

Agency 7

Secretary of State

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Articles 1 to 15.—RESERVED

Article 16.—FEES

7-16-1. Information and services fee. In addition to any other fees specified in regulation or statute, the fees prescribed in the secretary of state's "schedule of information and services fees," dated October 1, 2008 and hereby adopted by reference, shall be charged by the secretary of state. (Authorized by and implementing K.S.A.

2007 Supp. 75-438; effective, T-7-7-1-03, July 1, 2003; effective Oct. 10, 2003; amended Oct. 31, 2008.)

7-16-2. Technology communication fee. In addition to any other fees specified in regulation or statute, the fees prescribed in the secretary of state's "schedule of technology communication fees," dated October 1, 2008 and hereby adopted by reference, shall be charged by the secretary of state. (Authorized by and implementing K.S.A.

2007 Supp. 75-444; effective, T-7-7-1-03, July 1, 2003; effective Oct. 10, 2003; amended Oct. 31, 2008.)

Article 17.—UNIFORM COMMERCIAL CODE

7-17-1. Definitions. (a) “Address,” as used on a UCC record, means at least a city and state or a city and country.

(b) “Amendment” means a UCC record that changes the information contained in a financing statement. This term shall include assignments, continuation statements, and termination statements.

(c) “Assignment” means an amendment that assigns all or a part of a secured party’s power to authorize an amendment to a financing statement.

(d) “Continuation statement” shall have the meaning prescribed by K.S.A. 84-9-102(a)(27) and amendments thereto.

(e) “Correction statement” means a UCC record that indicates that a financing statement is inaccurate or wrongfully filed.

(f) “File number” shall have the meaning prescribed by K.S.A. 84-9-519(b) and amendments thereto.

(g) “Filing office” means the office of the secretary of state or county register of deeds.

(h) “Filing officer” means the secretary of state or one of the county registers of deeds.

(i) “Filing officer statement” means a statement of correction entered into the filing office’s information system to correct an error by the filing office.

(j) “Financing statement” shall have the meaning prescribed by K.S.A. 84-9-102(a)(39) and amendments thereto.

(k) “Individual” means a human being, or a decedent in the case of a debtor that is a decedent’s estate.

(l) “Initial financing statement” means a UCC record that causes the filing office to establish the initial record in the filing office’s UCC information management system.

(m) “Organization” means a legal person who is not an individual.

(n) “Remitter” means a person who tenders a UCC record to the filing officer for filing, whether the person is a filer or an agent of a filer responsible for tendering the record for filing. “Remitter” shall not include a person responsible merely for the delivery of the record to the filing office,

including the postal service or a courier service, but shall include a service provider who acts as a filer’s representative in the filing process.

(o) “Secured party of record” shall have the meaning prescribed by K.S.A. 84-9-511 and amendments thereto.

(p) “Termination statement” shall have the meaning prescribed by K.S.A. 84-9-102(a)(79) and amendments thereto.

(q) “UCC” means the uniform commercial code as adopted in this state.

(r) “UCC record” means an initial financing statement, an amendment, an assignment, a continuation statement, a termination statement, or a correction statement and shall not be deemed to refer exclusively to paper or paper-based writings. (Authorized by and implementing K.S.A. 2007 Supp. 84-9-526; effective Oct. 12, 2001; amended July 7, 2008.)

7-17-2. Delivery of records. (a) UCC records may be tendered for filing at the filing office as follows:

(1) Personal delivery, at the filing office’s street address;

(2) courier delivery, at the filing office’s street address;

(3) postal service delivery, to the filing office’s mailing address; and

(4) electronic delivery, to the secretary of state via the secretary of state’s web site.

(b) The filing date for any UCC record delivered to the filing office shall be the date of receipt by the filing office. UCC records tendered by personal delivery and electronic delivery shall be processed and assigned a file time upon receipt. UCC records tendered by courier or postal service shall be processed and assigned a filing time in the order they are received.

(c) UCC search requests may be delivered by any means by which UCC records may be delivered to the filing office. Search requests on a debtor named in an initial financing statement may be made by an appropriate indication on the initial financing statement, if the search fee is included. (Authorized by L. 2000, Ch. 142, §97; implementing L. 2000, Ch. 142, §87; effective Oct. 12, 2001.)

7-17-3. Forms. The forms prescribed in L. 2000, Ch. 142, Sec. 92, to be codified as K.S.A. 84-9-521 and amendments thereto, and forms prescribed by the filing officer shall be the only forms accepted by the filing office. (Authorized

by L. 2000, Ch. 142, §97; implementing L. 2000, Ch. 142, §92; effective, T-7-7-2-01, July 2, 2001; effective Oct. 12, 2001.)

7-17-4. Fees. (a) The fee for filing and indexing a paper UCC record of one to 10 pages shall be \$15.00. The fee for filing and indexing additional pages beyond the 10th page of a UCC record shall be charged at the rate of \$1.00 per page. The fee for filing and indexing an electronic UCC record, excluding a termination statement, shall be \$5.00. The fee for filing and indexing a termination statement electronically shall be \$1.00.

(b) The fee for a paper UCC search request shall be \$15.00 per debtor name. The fee for an electronic UCC search request shall be \$8.00.

(c) The fee for copies of UCC documents shall be \$1.00 per page, or page equivalent for electronically transmitted responses.

(d) The fee for a certified copy shall be \$7.50 in addition to any copying expenses.

(e) The fee for customers to receive information by telefacsimile communication from the filing office shall be \$1.00 for each page.

(f) No fee shall be collected for filing a court's findings of fact and conclusion of law pursuant to K.S.A. 58-4301 and amendments thereto. (Authorized by K.S.A. 2006 Supp. 84-9-526; implementing K.S.A. 58-4301, K.S.A. 2006 Supp. 84-9-526 and 84-9-801; effective, T-7-7-2-01, July 2, 2001; effective Oct. 12, 2001; amended July 7, 2008.)

7-17-5. Methods of payment. (a) Payment in cash shall be accepted if paid in person at the filing office.

(b) Personal checks, cashier's checks, and money orders made payable to the filing office, including checks in an amount to be filled in by a filing officer but not to exceed a particular amount, shall be accepted for payment if they are drawn on a bank acceptable to the filing office or if the drawer is acceptable to the filing office.

(c) A prepaid account may be used for payment to the secretary of state's office, except for electronic filing. An account shall be opened by submitting an application and prepaying an amount prescribed by the secretary of state. An account number to be used by the remitter shall be issued by the secretary of state. Filing fees shall be deducted from the remitter's prepaid account by the secretary of state when authorized to do so by the remitter.

(d) Payment by debit cards and credit cards issued by approved issuers shall be accepted by the secretary of state. Remitters shall provide the secretary of state with the following information:

- (1) The card number;
- (2) the expiration date of the card;
- (3) the name of the approved card issuer;
- (4) the name of the person or entity to whom the card was issued; and
- (5) the billing address for the card.

Payment shall not be deemed tendered until the issuer or its agent has confirmed payment to the filing office. (Authorized by L. 2000, Ch. 142, §97; implementing L. 2000, Ch. 142, §87; effective Oct. 12, 2001.)

7-17-6. Overpayment and underpayment of fees. (a) Each overpayment exceeding five dollars shall be refunded to the remitter by the filing officer. Each overpayment of five dollars or less shall be refunded to the remitter by the filing officer only upon the written request of the remitter.

(b) Upon receipt of a record with an insufficient fee, one of the following actions shall be performed by the filing officer:

(1) Sending a notice of the deficiency to the remitter and holding the record for 10 days from the date of the notice for receipt of the fee. The time and date of receipt of the full filing fee shall be deemed to be the filing time and date. If the fee is not received within 10 days of the date of the notice, the record shall be returned to the remitter with a written explanation for the refusal to accept the record; or

(2) returning the record to the remitter. A refund may be included with the record or delivered under separate cover. (Authorized by L. 2000, Ch. 142, §97; implementing L. 2000, Ch. 142, §87; effective Oct. 12, 2001.)

7-17-7. Filing officer's duties deemed ministerial. The duties and responsibilities of the filing officer with respect to the administration of the UCC shall be deemed ministerial. In accepting for filing or refusing to file a UCC record according to these regulations, none of the following shall be deemed to be performed by the filing officer: (a) Determination of the legal sufficiency or insufficiency of a record;

(b) determination that a security interest in collateral exists or does not exist;

(c) determination that information in the record is correct or incorrect, in whole or in part; or

(d) creation of a presumption that the information in the record is correct or incorrect, in whole or in part. (Authorized by and implementing L. 2000, Ch. 142, §97; effective Oct. 12, 2001.)

7-17-8. Notification of defects. Nothing in these regulations shall be deemed to prevent a filing officer from communicating to a filer or a remitter that the filing officer noticed apparent potential defects in a UCC record, whether or not the record was filed or refused for filing. However, the filing office shall be under no obligation to communicate this information to a filer or remitter. The responsibility for the legal effectiveness of the filing shall rest with each filer and remitter, and the filing office shall bear none of this responsibility. (Authorized by and implementing L. 2000, Ch. 142, §97; effective Oct. 12, 2001.)

7-17-9. Defects in filing. (a) The following reasons shall not constitute grounds for the filing officer to refuse a record:

(1) The UCC record contains or appears to contain a misspelling or other erroneous information.

(2) The UCC record appears to identify a debtor incorrectly.

(3) The UCC record appears to identify a secured party or a secured party of record incorrectly.

(4) The UCC record contains additional or extraneous information of any kind.

(5) The UCC record contains less than the information required by Kansas law except for information allowing rejection pursuant to L. 2000, Ch. 142, Sec. 87(b), to be codified as K.S.A. 84-9-516(b) and amendments thereto.

(6) The UCC record incorrectly identifies collateral, contains an illegible or unintelligible description of collateral, or appears to contain no such description.

(b) If the record contains more than one debtor name or address and any names or addresses are missing or illegible, the legible name and address pairings shall be indexed by the filing officer. A notice shall be provided by the filing officer to the remitter containing the following information:

(1) The file number of the record;

(2) identification of the debtor name that was indexed; and

(3) a statement that debtors with illegible or missing names or addresses were not indexed.

(c) If the record contains more than one secured party or assignee name or address and any names or addresses are missing or illegible, the

legible name and address pairings shall be indexed by the filing officer. A notice containing the following information shall be provided by the filing officer to the remitter:

(1) The file number of the record;

(2) the secured party name that was indexed; and

(3) a statement that the secured parties with illegible or missing names or addresses were not indexed.

(d) If an amendment requests more actions than can be accommodated on the form, the information shall be filed and indexed by the filing officer in accordance with the first requested action. All other actions requested shall be disregarded by the filing officer.

(e) If, within 30 days of the date that the record is rejected, a secured party or a remitter demonstrates to the filing officer that the UCC record that was refused for filing should not have been refused, the UCC record shall be filed by the filing officer with a filing date and time reflecting the date and time the document would have received, if it had been accepted when originally tendered for filing. A filing officer statement shall also be filed by the filing officer indicating that the effective date and time of filing are the date and time the UCC record was originally tendered for filing, and setting forth the date and time. If the filing officer's procedures do not include recording the filing time, the filing time shall be deemed to be 5:00 p.m. (Authorized by L. 2000, Ch. 142, §97; implementing L. 2000, Ch. 142, §87; effective Oct. 12, 2001.)

7-17-10. Deadline to refuse filing. (a) Whether reason exists to refuse a UCC record for filing shall be determined by the secretary of state not later than the second business day after receipt. An accepted UCC record shall be indexed by the secretary of state within the same time period.

(b) If the secretary of state finds grounds under K.S.A. 84-9-516, and amendments thereto, to refuse a UCC record, the record, if written, shall be returned by the secretary of state to the remitter, and the filing fee may be refunded. A notice that contains the date and time the record would have been filed had it been accepted for filing shall be sent by the secretary of state, unless the date and time are stamped on the record. This notice shall include a brief description of the reason for refusal to accept the record. The notice shall be sent

to a secured party or the remitter no later than the second business day after the determination to refuse acceptance of the record. A refund may be delivered with the notice or under separate cover. (Authorized by L. 2000, Ch. 142, §97; implementing L. 2000, Ch. 142, §§87, 91; effective Oct. 12, 2001.)

7-17-11. Filing office data entry. (a) Information from a UCC record presented for filing shall be entered into the filing system database by the filing office exactly as it appears on the record and in accordance with the designations given by the filer, except that social security numbers and other personally identifiable information not required by law may be omitted from the database by the filing office.

(b) If a UCC record is tendered that provides characters not on the standard QWERTY keyboard, the filing officer shall substitute a space for each such character. If the character appears on the standard QWERTY keyboard but includes an additional mark, the character shall be entered into the filing system without the additional mark.

(c) Each name that exceeds the fixed length of the name field in the UCC database shall be entered as presented to the filing office, up to the maximum length allowed by the name field.

(d) An initial financing statement shall be filed as relating to a manufactured home transaction, public finance transaction, or a transmitting utility by the filing officer only if the appropriate box on the addendum form is checked. (Authorized by K.S.A. 2007 Supp. 84-9-526; implementing K.S.A. 2007 Supp. 84-9-519; effective Oct. 12, 2001; amended July 7, 2008.)

7-17-12. Status of parties upon filing initial financing statement. Upon the filing of an initial financing statement, the status of the parties and the status of the financing statement shall be as follows. (a) Each secured party named in an initial financing statement shall be a secured party of record, except that if the UCC record names an assignee, the assignor shall not be a secured party of record, and the assignee shall be the secured party of record.

(b) The status of a debtor named on the record shall be active and shall continue as active for one year after the financing statement lapses.

(c) The status of the financing statement shall be active and shall continue as active for one year after its lapse date.

(d) If the initial financing statement is filed with

respect to a transmitting utility, there shall be no lapse date, and the financing statement shall remain active for one year after the financing statement is terminated with respect to all secured parties of record. (Authorized by L. 2000, Ch. 142, §97; implementing L. 2000, Ch. 142, §§82, 86, 93; effective Oct. 12, 2001.)

7-17-13. Status of parties upon filing an amendment. Upon the filing of an amendment, the status of the parties and the status of the financing statement shall be as follows. (a) An amendment that amends only the collateral description or one or more addresses shall not affect the status of any debtor or secured party. If an amendment is authorized by less than all of the secured parties, or in the case of an amendment that adds collateral, less than all of the debtors, the statement shall affect the interests only of each authorizing secured party or debtor.

(b) An amendment that changes a debtor's name shall not affect the status of any debtor or secured party, except that the related initial financing statement and all UCC records that identify the initial financing statement shall be cross-indexed in the UCC information management system so that a search under either the debtor's old name or the debtor's new name will reveal the initial financing statement and related UCC records. This amendment shall affect the rights only of its authorizing secured party.

(c) An amendment that changes the name of a secured party shall not affect the status of any debtor or any secured party, but the new name shall be added to the index as if it were a new secured party of record.

(d) An amendment that adds a new debtor name shall not affect the status of any party to the financing statement, except that the new debtor name shall be added as a new debtor on the financing statement. The addition shall affect the rights only of the secured party authorizing the amendment.

(e) An amendment that adds a new secured party shall not affect the status of any party to the financing statement, except that the new secured party name shall be added as a new secured party on the financing statement.

(f) An amendment that deletes a debtor shall not affect the status of any party to the financing statement, even if the amendment purports to delete all debtors.

(g) An amendment that deletes a secured party

of record shall not affect the status of any party to the financing statement, even if the amendment purports to delete all secured parties of record.

(h) An amendment shall not affect the status of the financing statement, except that a continuation statement may extend the period of effectiveness of a financing statement. (Authorized by L. 2000, Ch. 142, §97; implementing L. 2000, Ch. 142, §83; effective Oct. 12, 2001.)

7-17-14. Status of party upon filing an assignment. An assignment shall not affect the status of the financing statement or the status of the parties to the financing statement, except that each assignee named in the assignment shall become a secured party of record. (Authorized by L. 2000, Ch. 142, §97; implementing L. 2000, Ch. 142, §85; effective Oct. 12, 2001.)

7-17-15. Status of party upon filing a continuation statement. (a) Upon the timely filing of one or more continuation statements, the lapse date of the financing statement shall be postponed for five years.

(b) The filing of a continuation statement shall not affect the status of any party to the financing statement.

(c) Upon the filing of a continuation statement, the status of the financing statement shall remain active and unexpired.

(d) If there is no timely filing of a continuation statement with respect to a financing statement, the financing statement shall lapse on its lapse date, but no action shall be taken by the filing office. One year after the lapse date, the financing statement shall be rendered inactive, and the financing statement shall no longer be made available to a searcher unless inactive statements are requested by the searcher and the financing statement is still retrievable by the information management system. (Authorized by L. 2000, Ch. 142, §97; implementing L. 2000, Ch. 142, §86; effective Oct. 12, 2001.)

7-17-16. Status of parties upon filing a termination statement. (a) The filing of a termination statement shall not affect the status of any party to the financing statement.

(b) A termination statement shall not affect the status of the financing statement, and the financing statement shall remain active in the information management system for one year after it lapses. If the termination statement relates to a financing statement against a transmitting utility,

the financing statement shall become inactive one year after it is terminated with respect to all secured parties of record.

(c) A termination statement may be filed in the filing office in which the financing statement was filed before the effective date of L. 2000, Ch. 142, unless an initial financing statement has been filed pursuant to L. 2000, Ch. 142, Sec. 131(c), to be codified as K.S.A. 84-9-706(c), in the office specified by law. (Authorized by L. 2000, Ch. 142, §97; implementing L. 2000, Ch. 142, §84; effective Oct. 12, 2001.)

7-17-17. Status of parties upon filing a correction statement. (a) The filing of a correction statement shall not affect the status of any party to the financing statement.

(b) A correction statement shall not affect the status of the financing statement. (Authorized by L. 2000, Ch. 142, §97; implementing L. 2000, Ch. 142, §89; effective Oct. 12, 2001.)

7-17-18. Deadline for filing a continuation statement. (a) The first day on which a continuation statement may be filed shall be six months preceding the month in which the financing statement would lapse and corresponding to the date upon which the financing statement would lapse. If there is no such corresponding day, the first day on which a continuation statement may be filed shall be the last day of the sixth month preceding the month in which the financing statement would lapse.

(b) The last day on which a continuation statement may be filed shall be the date upon which the financing statement lapses. (Authorized by L. 2000, Ch. 142, §97; implementing L. 2000, Ch. 142, §86; effective Oct. 12, 2001.)

7-17-19. Errors in filing. (a) Any errors of the filing office in the UCC information management system may be corrected by the filing officer. A filing officer statement shall be filed by the filing officer in the UCC information management system identifying the record to which the correction relates, the date of the correction, and an explanation of the corrective action taken. The record shall be preserved as long as the record is preserved in the UCC information management system.

(b) Each error by a filer shall be the responsibility of the filer. The filer may correct the error by filing an amendment or a correction statement. (Authorized by and implementing K.S.A. 2006

Supp. 84-9-519; effective Oct. 12, 2001; amended July 7, 2008.)

7-17-20. Notice of bankruptcy. No action shall be taken by the filing officer upon receipt of a notification, formal or informal, of a bankruptcy proceeding involving a debtor named in the UCC information management system. (Authorized by and implementing L. 2000, Ch. 142, §97; effective Oct. 12, 2001.)

7-17-21. Searches. (a) A searchable index of all UCC records shall be maintained for inspection by the filing officer. The index shall allow the retrieval of a record by the name of the debtor and by the file number of the initial financing statement, and each filed UCC record relating to the initial financing statement.

(b) Each search request shall contain the following information:

(1) The name of the debtor to be searched, using designated fields for the organization name and individual first, middle, and last names and specifying whether the debtor is an individual or an organization. Each search request shall be processed using the name and the designated fields in the exact form submitted;

(2) the name and address of the person to whom the search report is to be sent; and

(3) the appropriate fee, payable by any permissible method specified in K.A.R. 7-17-5.

(c) A search request may contain any of the following information:

(1) A request that copies of records found in the search be included with the search report;

(2) a request to limit the copies of records by restricting the search to a city, a filing date or a range of filing dates, or the identity of the secured party of record;

(3) a request to include lapsed, active records; or

(4) instructions on the mode of delivery desired, if other than by ordinary mail. This request shall be honored if the requested mode is available to the filing office.

(d) Before providing a copy of any UCC record, the filing officer shall redact any information in accordance with laws applicable to privacy rights and identity theft protection. (Authorized by K.S.A. 2006 Supp. 84-9-526; implementing K.S.A. 2006 Supp. 84-9-519; effective Oct. 12, 2001; amended July 7, 2008.)

7-17-22. Search logic. (a) Search results

shall be produced by applying only standardized search logic to each name presented to the filing officer. Human judgment shall not play a role in determining the results of the search. The standardized search logic used shall meet the following criteria:

(1) There is no limit to the number of matches that may be returned in response to the search criteria.

(2) The characters searched are letters “a” through “z” and numbers 0 through 9.

(3) No distinction is made between uppercase and lowercase letters, and all letters are converted to uppercase in the filing office database.

(4) Punctuation marks, accents, and suffixes are disregarded. Punctuation marks and accents shall mean all characters other than the letters “a” through “z” and the numbers 0 through 9.

(5) Words and abbreviations at the end of a name that indicate the existence or nature of an organization are disregarded. These words and abbreviations shall include the following:

(A) Association;

(B) bank;

(C) church;

(D) college;

(E) company;

(F) corporation;

(G) club;

(H) foundation;

(I) fund;

(J) incorporated;

(K) institute;

(L) limited;

(M) society;

(N) syndicate;

(O) trust;

(P) union;

(Q) university;

(R) limited partnership;

(S) LP;

(T) limited liability company;

(U) LLC;

(V) limited liability partnership;

(W) LLP;

(X) professional association;

(Y) chartered; and

(Z) the following abbreviations: co., corp., inc., ltd., and P.A.

(6) The word “the” at the beginning of the search criteria is disregarded.

(7) All spaces are disregarded.

(8) For middle names of individuals, initials are

equated with all names that begin with these initials, and the absence of a middle name or initial is equated with all middle names and initials.

(9) The word “and” and the symbol “&” are equated with each other.

(b) After using the criteria in subsection (a) to modify the name of the debtor requested to be searched, the search shall reveal only names of debtors that are contained in unexpired financing statements and exactly match the name requested, as modified. (Authorized by K.S.A. 2006 Supp. 84-9-526; implementing K.S.A. 2006 Supp. 84-9-519; effective Oct. 12, 2001; amended, T-7-9-6-06, Sept. 6, 2006; amended March 23, 2007; amended July 7, 2008.)

7-17-23. Search reports. Reports created in response to a search request shall include the following:

(a) The identification of the filing officer and the certification of the filing officer;

(b) the date the report was generated;

(c) the name searched;

(d) the certification date and time for which the search is effective;

(e) the identification of each unexpired financing statement filed on or before the certification date and time corresponding to the search criteria, by name of debtor, by financing statement file number, and by file date and file time;

(f) for each unexpired initial financing statement on the report, a listing of all related UCC records filed by the filing officer on or before the certification date; and

(g) copies of all UCC records revealed by the search and requested by the searcher. (Authorized by L. 2000, Ch. 142, §97; implementing L. 2000, Ch. 142, §90; effective Oct. 12, 2001.)

7-17-24. Unofficial searches. Public access to a database that produces search results beyond exact name matches may be provided by the secretary of state. The supplemental database shall not be considered part of the standard search logic and shall not constitute an official search by the secretary of state. (Authorized by K.S.A. 2006 Supp. 84-9-526; implementing K.S.A. 2006 Supp. 84-9-519; effective Oct. 12, 2001; amended July 7, 2008.)

Article 18.—KANSAS ATHLETE AGENT ACT

7-18-1. (Authorized by and implementing L. 1996, Ch. 178, Sec. 3(d); effective, T-7-7-1-96,

July 1, 1996; effective Oct. 18, 1996; revoked Oct. 1, 2004.)

7-18-2. (Authorized by and implementing L. 1996, Ch. 178, Sec. 3(l); effective, T-7-7-1-96, July 1, 1996; effective Oct. 18, 1996; revoked Oct. 1, 2004.)

7-18-3. (Authorized by L. 1996, Ch. 178, Sec. 15; implementing L. 1996, Ch. 178, Sec. 7; effective, T-7-7-1-96, July 1, 1996; effective Oct. 18, 1996; revoked Oct. 1, 2004.)

Article 19.—ELECTRONIC FILING

7-19-1. (Authorized by and implementing K.S.A. 1995 Supp. 84-9-402, and L. 1996, ch. 157, § 1; effective, T-7-7-1-94, July 1, 1994; effective Oct. 24, 1994; amended June 6, 1997; revoked, T-7-7-2-01, July 2, 2001; revoked Oct. 12, 2001.)

7-19-2. (Authorized by and implementing K.S.A. 1995 Supp. 84-9-402, and L. 1996, ch. 157, § 1; effective, T-7-7-1-94, July 1, 1994; effective Oct. 24, 1994; amended June 6, 1997; revoked, T-7-7-2-01, July 2, 2001; revoked Oct. 12, 2001.)

7-19-3. (Authorized by and implementing K.S.A. 1995 Supp. 84-9-402, and L. 1996, ch. 157, § 1; effective, T-7-7-1-94, July 1, 1994; effective Oct. 24, 1994; amended June 6, 1997; revoked, T-7-7-2-01, July 2, 2001; revoked Oct. 12, 2001.)

7-19-4. (Authorized by and implementing K.S.A. 1995 Supp. 84-9-402, and L. 1996, ch. 157, § 1; effective, T-7-7-1-94, July 1, 1994; effective Oct. 24, 1994; amended Sept. 8, 1995; amended June 6, 1997; revoked, T-7-7-2-01, July 2, 2001; revoked Oct. 12, 2001.)

7-19-5. (Authorized by and implementing K.S.A. 1993 Supp. 84-9-402, as amended by 1994 H.B. 2693, section 2; effective, T-7-7-1-94, July 1, 1994; effective Oct. 24, 1994; revoked, T-7-7-2-01, July 2, 2001; revoked Oct. 12, 2001.)

7-19-6. (Authorized by and implementing K.S.A. 1993 Supp. 84-9-402, as amended by 1994 H.B. 2693, section 2; effective, T-7-7-1-94, July 1, 1994; effective Oct. 24, 1994; revoked, T-7-7-2-01, July 2, 2001; revoked Oct. 12, 2001.)

7-19-7. (Authorized by and implementing K.S.A. 84-9-402; effective June 6, 1997; revoked, T-7-7-2-01, July 2, 2001; revoked Oct. 12, 2001.)

Article 20.—CHANGING HOURS OF ELECTIONS

7-20-1. Changing hours of elections. The hours that polls will be open shall be specified in the regular publication notice as provided in K.S.A. 25-105, K.S.A. 1971 Supp. 25-209, 25-2018 (d), (e), (f) and 25-2112, and in any election notice wherein such times are required by law to be stated. If the voting hours are different from 7:00 a.m. until 7:00 p.m., and no publication notice is required by law to be made, then a special notice shall be published not less than seven (7) and not more than twenty-one (21) days prior to such election stating the hours the polls will be open. (Authorized by K.S.A. 1971 Supp. 25-106, 25-2111; effective Jan. 1, 1972.)

Article 21.—VOTING EQUIPMENT

7-21-1. Storage of voting equipment. (a) As used in this article, “voting equipment” shall mean an electronic or electromechanical voting system, as defined in K.S.A. 25-4401 and amendments thereto, and optical scanning equipment, as defined in K.S.A. 25-4601 and amendments thereto, including all electronic media used with the system and equipment.

(b) County election officers shall store voting equipment in only the following places:

- (1) Public buildings; and
- (2) business and commercial buildings.

(c) Voting equipment in storage shall be locked and secured in such a manner that the equipment cannot be tampered with or damaged. The storage shall be in a place accessible only to election officials or persons authorized by election officials. (Authorized by and implementing L. 2007, Ch. 125, Secs. 22 and 34; effective Jan. 1, 1972; amended July 7, 2008.)

7-21-2. Voting equipment security. Each county election officer shall adopt written procedures to secure the voting equipment. These procedures shall include the following requirements:

(a) A computer used to prepare ballots or to program elections and voting equipment used for voting shall not be connected to the internet. Each networking device on or in the computer shall be disabled.

(b) Each computer used to prepare ballots or to program elections shall be equipped with software, firmware, or an operating system used only for preparing ballots and programming elections.

The software, firmware, or operating system shall be certified by the secretary of state. Each computer used to prepare ballots or to program elections shall also contain software relating to system security, including virus protection.

(c) Each computer used to prepare ballots or to program elections shall be accessible only to authorized county election personnel and shall require a password for access.

(d) For each user-initiated event that occurs on a computer used to prepare ballots or to program elections, a record shall be made of the nature of the event, the time of the event, and the person initiating the event.

(e) The election results reported from polling places to the county election office, and the election results reported from the county election office to the secretary of state, shall be sent only by fax, phone, hand-delivery, or encrypted electronic transfer. (Authorized by and implementing L. 2007, Ch. 125, Secs. 22 and 34; effective Jan. 1, 1972; amended July 7, 2008.)

7-21-3. (Authorized by K.S.A. 25-1312; effective Jan. 1, 1974; revoked July 7, 2008.)

7-21-4. Manual count of damaged or defective paper ballots. (a) If any paper ballot is damaged or defective so that the ballot cannot be counted properly by optical scanning equipment or automatic tabulating equipment, the county election officer shall establish a special counting board of two or more persons for the purpose of manually counting the damaged or defective paper ballot.

(b)(1) The special counting board shall consist of election board workers at a polling place or other persons at a central location. To the extent practicable, the special counting board members shall not all be affiliated with the same political party.

(2) No person serving on the special counting board shall be a candidate for an office on the ballot or a member of a group supporting or opposing passage of a question submitted on the ballot.

(3) One person on the special counting board shall be designated the supervising judge.

(c) The special counting board shall manually count any ballot that is damaged or defective and that cannot be counted properly by optical scanning equipment or automatic tabulating equipment, using the following procedures:

- (1) Each ballot shall be separated from any ad-

vance voting envelope or provisional ballot envelope that identifies the voter who cast the ballot.

(2) If more than one damaged or defective ballot is to be counted, the supervising judge shall collect and enumerate the ballots and shall announce the total number of ballots to the board.

(3) A member of the special counting board shall read and announce the contents of each ballot and shall hand each ballot to another member of the board to verify the contents of the ballot. A member of the board other than the member reading the ballots shall tally the votes cast on the ballot on a tally sheet provided by the county election officer.

(4) The county election officer may require the special counting board to maintain two separate sets of tally sheets. If the board is required to maintain these tally sheets, the board shall compare the tally sheets and reconcile any differences to the satisfaction of a majority of the board. The tally sheets shall be compared at the end of the counting process.

(d) If the special counting board is unable to determine the voter's intent for any ballot or portion of a ballot, the ballot shall be challenged and referred to the county board of canvassers for resolution pursuant to K.S.A. 25-3002(b)(1) and amendments thereto.

(e) At the conclusion of the special counting board's duties, the special counting board shall provide all ballots and records to the county election officer. The county election officer shall preserve the ballots and records in accordance with state law and shall include the results tabulated from the ballots in the official results of the election. (Authorized by L. 2007, Ch. 125, Secs. 22 and 34; implementing K.S.A. 25-4412, as amended by L. 2007, Ch. 125, Sec. 19, and K.S.A. 25-4611, as amended by L. 2007, Ch. 125, Sec. 31; effective July 7, 2008.)

Article 22.—SCHOOL ELECTIONS

7-22-1. (Authorized by K.S.A. 1971 Supp. 25-2013; effective Jan. 1, 1972; revoked Jan. 1, 1974.)

Article 23.—VOTER REGISTRATION

7-23-1. (Authorized by K.S.A. 1971 Supp. 25-2302b; effective Jan. 1, 1972; revoked Jan. 1, 1974.)

7-23-2. Registration records. (a) The

county election officer shall keep the records of registration at all times.

(b) To ensure the reliability of all voters' registration, the county election officer shall keep a separate registration list for each precinct and township in the county and shall update each list before each election.

(c) The county election officer shall keep each application for registration in the office of the county election officer. Registrars at voter registration outposts shall transmit completed registration application forms to the county election officer regularly as specified by the county election officer.

(d) For purposes of requesting an official application for voter registration, a request "in writing" means any written request, including a single written request or a request accompanied by other requests on the same paper. (Authorized by K.S.A. 25-2304; implementing K.S.A. 25-2309, as amended by L. 1996, ch. 187, § 7; effective Jan. 1, 1972; amended Feb. 21, 1994; amended Jan. 3, 1997.)

7-23-3. (Authorized by K.S.A. 1971 Supp. 25-2308; effective Jan. 1, 1972; revoked, L. 1981, ch. 417, May 1, 1981.)

7-23-4. Notice of places and dates of registration. The notice regarding registration required by K.S.A. 25-2310 shall be published one time, at least 10 days before the date the registration books will be open additional hours as provided in K.S.A. 1995 Supp. 25-2311, as amended by L. 1996, ch. 187, § 9. If late hours are not required, the notice shall be published one time, at least 10 days before the date the registration books will be closed. The publication notice shall be made in the following form:

"NOTICE OF PLACES AND DATES OF REGISTRATION

In compliance with the provisions of K.S.A. 25-2310, notice is hereby given that the books for registration of voters will be open at the following places during regular business hours:

Persons who apply for services at voter registration agencies may register at the following places during regular business hours:

* Beginning on the _____ day of _____, _____, additional hours of registration will be provided at the following places:

At _____ p.m. on the _____ day of _____, _____,

the books for registration of voters will close and will remain closed until the _____ day of _____, _____.

A citizen of the United States who is 18 years of age or older, or will have attained the age of 18 years at the next election, must register before he or she can vote. Registration is open until the close of business on the 15th day before the election.

When a voter has been registered according to law, the voter shall remain registered until the voter changes name by marriage, divorce or other legal proceeding or changes residence. The voter may re-register in person, by mail or other delivery when registration is open or the voter may re-register on election day.

Application forms shall be provided by the county election officer or the Secretary of State upon request. The application shall be signed by the applicant under penalty of perjury.

In Witness Whereof I have hereunto set my hand and seal this _____ day of _____, _____.

County Election Officer

(SEAL)

* If late hours are not required, omit this paragraph."

(Authorized by K.S.A. 25-2310; implementing K.S.A. 25-2310 and K.S.A. 1995 Supp. 25-2311, as amended by L. 1996, ch. 187, § 9; effective Jan. 1, 1972; amended Jan. 1, 1974; amended May 1, 1978; amended Sept. 24, 1990; amended Jan. 3, 1997.)

7-23-5. (Authorized by K.S.A. 1971 Supp. 25-2321; effective Jan. 1, 1972; revoked Jan. 1, 1974.)

7-23-6. Special election, additional hours not required; publication. Additional hours for registration as provided in K.S.A. 25-2311 (d) are not required prior to a special election held on any day other than a primary or general election. Publication of closing of registration for a special election shall be made at least ten days prior to the closing of the registration books. (Authorized by K.S.A. 25-2310; effective Jan. 1, 1974.)

7-23-7. Publication of additional places of registration. Whenever county election officers provide additional places of registration during periods when it is anticipated a large number of persons may wish to register as provided by K.S.A. 25-2313, a notice shall be published in a newspaper having general circulation within the area, or the officially designated newspaper, at least five days prior to the date such outposts will be open. The notice shall state the location of the outpost and the hours and days such outposts will be open. (Authorized by K.S.A. 25-2310; effective Jan. 1, 1974.)

7-23-8. (Authorized by and implementing K.S.A. 1991 Supp. 25-2316c, as amended by L.

1992, Chapter 281, section 1; effective May 28, 1992; effective, T-7-8-3-92, Aug. 3, 1992; effective Oct. 5, 1992; revoked Jan. 3, 1997.)

7-23-11. (Authorized by K.S.A. 25-2316; effective, E-73-26, Aug. 17, 1973; effective Jan. 1, 1974; revoked May 1, 1978.)

7-23-12. Sufficiency of address for registration. An election official shall register any person who is otherwise qualified to vote and is able to provide a residence address in enough detail to enable the election official to assign the applicant to the correct precinct. (Authorized by and implementing K.S.A. 1992 Supp. 25-2304; effective Feb. 21, 1994.)

7-23-13. (Authorized by K.S.A. 2001 Supp. 25-2304; implementing K.S.A. 2001 Supp. 25-2304 and 25-2309; effective April 18, 1994; amended Nov. 28, 1994; amended July 5, 2002; revoked July 7, 2008.)

Article 24.—SUPPLIES FOR VOTING PLACES

7-24-1. Number of ballot boxes required. County election officers shall provide, at each voting place where voting machines are not in use, a separate ballot box for each of the types of ballots as provided by K.S.A. 25-2704. Whenever an election board of seven (7) or more members is divided by the county election officer into a receiving board and a counting board or boards, the county election officer shall provide one or more additional ballot boxes for each counting board in order to perform their duties efficiently. (Authorized by K.S.A. 25-2704; effective Jan. 1, 1972; amended May 1, 1978.)

7-24-2. Receipts and records. Receipts and records for election supplies, including ballots and poll books, shall be made and given in the following manner: (a) All receipts for election supplies, including ballots and poll books, shall be on forms provided by the county election officer so that photocopies are clearly legible. The county election officer shall make provisions for each of the kinds and types of election supplies received by the supervising judge. The forms shall clearly state the township, precinct, and ward on them. Forms used in nonpartisan elections shall clearly state the voting place.

(b) At the time the supervising judge receives election supplies, including ballots and poll books,

a receipt shall be made and signed by the supervising judge.

(c) Upon the return of the election supplies required by law to be returned to the county election officer, a receipt shall be made and signed by the county election officer, or the duly authorized deputy, for the supplies returned.

(d) Voting machine keys shall be accounted for as provided in K.S.A. 25-1326 and amendments thereto.

(e) Receipts for election supplies submitted substantially in the following form shall be considered sufficient:

SUPPLIES FOR VOTING PLACES

7-24-2

RECEIPT FOR ELECTION SUPPLIES SENT OUT

County _____ Voting Place _____ Date of Election _____

All of the ballots and other election supplies required by law for the above described voting place were received by the supervising judge on the date indicated.

Ballots			Other supplies	
No. pkgs.	Kind	Total	No.	Kind
	National and state			Poll books
	County—township			Registration books
	State question			Party affiliation lists
	Judicial			Abstracts of votes
	Question submitted			Oaths for challenges
	City			Miscellaneous supplies
	School			
	Voting machine(s)			Keys for voting machines

Received _____ By _____
(Date) Signature of supervising judge

RECEIPT FOR ELECTION SUPPLIES RETURNED

County _____ Voting Place _____ Date of Election _____

All of the ballots and other election supplies furnished for the above described voting place were received by the county election officer on the date indicated.

Ballots returned					Total sent out	Difference
	Voted	Unvoted	Void, objected to, challenged	Total		
National and state						
County—township						
State question						
Judicial						
Question submitted						
City						
School						
Other supplies returned						
Poll books						
Registration books						
Party affiliation lists						
Abstracts of votes						
Oaths for challenges						
Miscellaneous supplies						
Keys for voting machines						

Received _____ By _____
(Date) County Election Officer

(Authorized by and implementing K.S.A. 25-2707; effective Jan. 1, 1972; amended March 23, 2001.)

Article 25.—ABSTRACTS OF VOTES CAST

7-25-1. Certification. A certificate of validity shall be made for each copy of the three abstracts of votes cast at each voting place for every election. This certificate shall be printed upon or permanently appended to each abstract. The certificate shall be as follows:

CERTIFICATE FOR ABSTRACT
OF VOTES CAST

We, the undersigned, who are all the judges and clerks of the election board of _____ on the _____
(Voting Place)

day of _____, 20____, do hereby certify that the candidates whose names appear in the appended abstracts received the number of votes cast as written opposite their names, and that the votes cast on questions submitted are as therein indicated.

Judges

Clerks

NOTE: Provide as many signature lines as there are judges and clerks. Voting place must be shown by township or precinct and ward for partisan elections.

(Authorized by and implementing K.S.A. 25-3006; effective Jan. 1, 1972; amended March 23, 2001.)

**Article 26.—CERTIFICATES
OF NOMINATION AND ELECTION**

7-26-1. Certificate of nomination. Every certificate of nomination issued by a county election officer shall be in the following form:

CERTIFICATE OF NOMINATION

I, _____, County Election Officer of _____ County, Kansas, do hereby certify that at the Primary Election in said county on the ____ day of ____, A.D. 20____, _____ received the highest number of votes cast by the _____ party for the office of _____ as appears from the official canvass made by the County Board of Canvassers, at its meeting held on the _____ day of _____, 20____, and is therefore entitled to a place on the official ballot as such candidate of said party at the General Election to be held on _____, 20____.

In Testimony Whereof, I have hereunto set my hand and caused to be affixed my official seal, this ____ day of _____, A.D. 20____.

SEAL

County Election Officer

The above certificate may be adapted for city and school elections by omitting any reference to party nomination. (Authorized by and implementing K.S.A. 25-3110; effective Jan. 1, 1972; amended March 23, 2001.)

7-26-2. Certificate of election. Every certificate of election issued by a county election officer shall be in the following form:

CERTIFICATE OF ELECTION

State of Kansas

County of _____

I, _____, County Election Officer of _____ County, Kansas, do hereby certify that at the General Election held on the ____ day of _____, 20____, _____ was duly elected to the office of _____ as appears from the official canvass by the County Board of Canvassers made on the ____ day of _____, 20____.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed my official seal, this ____ day of _____, A.D. 20____.

SEAL

County Election Officer

(Authorized by and implementing K.S.A. 25-3110; effective Jan. 1, 1972; amended March 23, 2001.)

Article 27.—PARTY AFFILIATION

7-27-1. Maintenance of party affiliation lists. Party affiliation lists shall be maintained according to the following requirements:

(a) (1) Before each primary and general election, and in August of odd-numbered years, each county election officer shall certify to the secretary of state the number of members of each party in each precinct of the election officer's county as shown by the party affiliation list and a total number for each party for the county. Before each primary election, the county election officer shall prepare an alphabetical list of electors by surname for each precinct, showing each elector's name, address, and party affiliation.

(2) After each primary election at which national, state, county, township, and, where applicable, city candidates are nominated, the county election officer shall prepare a new party affiliation list for each precinct. The party affiliation list shall include the names of all electors who voted in the primary election, and the names of all electors who have declared their party affiliation as provided by statute.

(b) If at any time a registered voter declares or changes that voter's party affiliation, that declaration or change shall be made on the party affiliation lists. Whenever a voter's name is removed from the registration list as provided by K.S.A. 25-2316c, and amendments thereto, that voter's name shall also be removed from the party affiliation list.

(c) The party affiliation list shall be maintained by using a computer or data processing system. (Authorized by and implementing K.S.A. 25-3302; effective Jan. 1, 1972; amended Jan. 1, 1974; modified, L. 1978, ch. 451, May 1, 1978; amended Oct. 18, 1993; amended Oct. 1, 2004.)

Article 28.—SUFFICIENCY OF PETITIONS

7-28-1. Determination. In determining the sufficiency of signatures or names on a petition if the specific statute governing the petition does not provide guidance in determining the validity of signatures, the following requirements shall apply:

(a) If the last name in the signature on the petition is not spelled identically to the last name in the registration books, the signature shall be considered improper and insufficient.

(b) If a signature contains initials that are consistent with the names or initials as they appear in the registration books and if the last name in the signature on the petition is identical to the last name in the registration books and the address is identical, the signature shall be considered proper and sufficient.

(c) If a signature contains a nickname or abbreviation that is commonly accepted for a given name as it appears in the registration books, including “Wm.” or “Bill” for William, and if the last name is identical and the address is identical, the signature shall be considered proper and sufficient.

(d) Prefixes to names including “Mr.,” “Mrs.,” “Miss,” and “Dr.,” shall be disregarded.

(e) Notwithstanding any of the requirements in subsections (a) through (d) of this regulation, if there is evidence leading the election officer to believe that any signature is not genuine, the signature shall be considered improper and insufficient.

(f) In all cases not provided for by these requirements, a signature shall be considered proper and sufficient if it bears such a similarity that it reasonably appears to be the same signature as that contained in the registration books. (Authorized by and implementing K.S.A. 25-3604; effective Jan. 1, 1972; amended May 1, 1978; amended March 23, 2001.)

Article 29.—BALLOTS

7-29-1. (Authorized by and implementing K.S.A. 25-604, as amended by L. 1993, ch. 74,

section 1; effective, T-85-5, Feb. 15, 1984; effective May 1, 1986; amended, T-7-7-2-90, July 2, 1990; amended Aug. 6, 1990; amended, T-7-8-26-92, Aug. 26, 1992; amended Oct. 26, 1992; revoked Oct. 18, 1993.)

7-29-2. Official ballot colors. (a) All official ballots shall be printed in black ink on paper through which the printing or writing cannot be read.

(b) If only one ballot is required for an election, the ballot shall be white.

(c) Whenever a colored ballot is used, the same color shall be used for that ballot throughout the county.

(d) Colored ballots may be used in any election to distinguish between political parties and election districts. (Authorized by and implementing K.S.A. 25-601; effective May 1, 1982; amended Oct. 18, 1993; amended March 23, 2001; amended Oct. 1, 2004.)

Article 30.—SESSION LAWS

7-30-1. Session Laws. The price for the bound Session Laws of Kansas shall be \$17.00. (Authorized by and implementing K.S.A. 1990 Supp. 45-107; effective May 1, 1982; amended May 1, 1987; amended July 1, 1991.)

Article 31.—LAND SURVEYS

7-31-1. (Authorized by K.S.A. 58-2009; implementing K.S.A. 1984 Supp. 58-2011; effective May 1, 1984; amended, T-85-25, Sept. 18, 1984; effective May 1, 1985; revoked June 4, 1999.)

7-31-2. (Authorized by K.S.A. 1983 Supp. 58-2009; implementing K.S.A. 1983 Supp. 58-2011; effective May 1, 1984; revoked June 4, 1999.)

7-31-3. (Authorized by K.S.A. 58-2009; implementing K.S.A. 1984 Supp. 58-2011; effective May 1, 1984; amended, T-85-25, Sept. 18, 1984; effective May 1, 1985; revoked June 4, 1999.)

7-31-4. (Authorized by K.S.A. 58-2009; implementing K.S.A. 1986 Supp. 58-2011; effective May 1, 1984; amended, T-85-25, Sept. 18, 1984; effective May 1, 1985; amended, T-88-49, Dec. 16, 1987; amended May 1, 1988; revoked June 4, 1999.)

Article 32.—LAW BOOKS

7-32-1. Delivery fees. The fees for delivery of law books, including shipping and handling, shall be as follows:

(a) Kansas statutes annotated, complete set	\$15.00
(b) Kansas statutes annotated, per hardbound volume	\$6.50
(c) Supplements to the Kansas statutes annotated, complete set	\$7.50
(d) Supplement to the Kansas statutes annotated, per volume	\$6.25
(e) Session laws of Kansas, per volume	\$6.75
(f) Permanent journal of the house or senate, per volume	\$6.75
(g) Kansas administrative regulations, complete set	\$7.50
(h) Kansas administrative regulations, per volume or supplement	\$6.25

(Authorized by and implementing K.S.A. 75-436; effective May 1, 1984; amended July 1, 1991; amended, T-7-7-1-92, July 1, 1992; amended Aug. 31, 1992; amended Aug. 18, 2000.)

7-32-2. Kansas administrative regulations. The prices for volumes of the Kansas administrative regulations shall be as follows:

(a) Complete set (vols. 1-5 and index)	\$105.00
(b) Per volume or supplement	\$20.00
(c) Index	\$5.00

(Authorized by and implementing K.S.A. 77-430; effective July 1, 1991; amended Aug. 18, 2000.)

Article 33.—INFORMATION FEES

7-33-1. Information fees. Each register of deeds, when providing information concerning filings under article 9 of chapter 84 Kansas Statutes Annotated to persons by telecopier, shall charge \$10.00 for each statement of filings and two dollars per page for copies of financing statements or related statements. For each request, the register of deeds shall remit to the county treasurer five dollars for deposit in the county general fund. (Authorized and implementing L. 1988, Ch. 399, Sec. 1; effective, T-7-7-29-88, July 29, 1988; effective Nov. 8, 1988.)

7-33-2. Computer access fees. When providing information about filings made under K.S.A. 84-9-101 through 84-9-508 by direct computer access, each register of deeds shall charge eight dollars for each debtor name searched, four dollars of which shall be remitted to the county treasurer for deposit in the county general fund.

(Authorized by and implementing K.S.A. 1989 Supp. 84-9-411; effective Dec. 31, 1990.)

Article 34.—CORPORATION FILING FEES

7-34-1. (Authorized by 1989 SB 243; implementing K.S.A. 17-7505(a)(11) and K.S.A. 17-7503(a)(8); effective, T-7-7-27-89, July 27, 1989; effective Sept. 11, 1989; revoked Nov. 20, 1998.)

7-34-2. Corporation filing fees. The fees for filing and issuing corporate documents shall be as follows:

(a) Articles of incorporation	
(1) For-profit corporation	\$ 75.00
(2) Nonprofit corporation	\$ 20.00
(b) Foreign corporation application	\$100.00
(c) Restated articles of incorporation	\$ 20.00
(d) Certificate of amendment, correction, dissolution, merger, restoration, revocation of dissolution, or withdrawal, or any other certificate filed	\$ 20.00
(e) Name reservation	\$ 20.00
(f) Letter of good standing	\$ 5.00
(g) Certificate of good standing	
(1) Short version	\$ 7.50
(2) Long version	\$ 7.50 per fact
(h) Certificate of fact	\$ 7.50
(i) Any other certificate issued by the secretary of state	\$ 20.00
(j) Certified copy of corporate filing	\$ 7.50
(k) Corrected instrument	a fee equal to the amount of the filing fee for the original instrument

(Authorized by and implementing K.S.A. 2004 Supp. 17-7506; effective, T-7-12-29-04, Jan. 1, 2005; effective April 1, 2005.)

Article 35.—CENSUS ADJUSTMENT

7-35-1. Adjustment of federal census data. Before July 31 of the year following the federal decennial census, responses from student and military questionnaires shall be used by the secretary of state to compute the number of persons to be added to or subtracted from each election precinct's population totals from the decennial census conducted by the U.S. bureau of the census. (Authorized by K.S.A. 11-305; implementing Article 10, Section 1 of the Kansas Constitution and K.S.A. 11-303; effective Dec. 11, 1989; amended, T-7-9-13-99, Sept. 13, 1999; amended Jan. 7, 2000.)

7-35-2. Questionnaires. Questionnaires for all students enrolled at a college or university in the state of Kansas and for military personnel stationed and located in the state of Kansas during the decennial census year shall be provided by the secretary of state. Completed questionnaires shall be returned by college and university officials and military officers to the secretary of state before June 1 of the decennial census year. (a) The questionnaires shall require each college or university student and each military person to provide all information deemed necessary by the secretary of state to determine the person's residency for the purpose of conducting the census adjustment. The questionnaires shall also provide for racial and ethnic information similar to that provided on the federal census questionnaire.

(b) If the military person has already completed a decennial census adjustment questionnaire as a student at a Kansas college or university, the person shall state the name of that college or university.

(c) Each college or university in Kansas shall provide to the secretary of state a list of names and addresses of all students enrolled during the spring semester of the decennial census year. Every military officer in charge of more than 50 persons in the military service shall provide to the secretary of state a list of names and addresses of all military personnel under that officer's command on April 1 of the decennial census year. The lists shall not be used to determine the permanent residence of any individual.

(d) Questionnaires shall be distributed to all college and university students enrolled for the spring semester of the decennial census year by officials at each institution who shall be designated by their respective administrators. Questionnaires shall be distributed to all military personnel by officers who shall be designated by their respective administrators. The questionnaires shall be completed on or after April 1 whenever possible, to coincide with the official census date of the U.S. bureau of the census, or at another time that is administratively expedient but not later than May 1. In cases in which individual military personnel are unavailable to fill out their questionnaires on April 1 because their military duties require them to be temporarily absent from the installation to which they are assigned, the military officer responsible for providing census adjustment data to the secretary of state may provide these persons with an opportunity to complete their questionnaires at some time after April 1 but not later than May 1. (Authorized by K.S.A. 11-305; implementing Article 10, Section 1 of the Kansas Constitution and K.S.A. 11-303; effective Dec. 11, 1989; amended, T-7-9-13-99, Sept. 13, 1999; amended Jan. 7, 2000.)

naires at some time after April 1 but not later than May 1. (Authorized by K.S.A. 11-305; implementing Article 10, Section 1 of the Kansas Constitution and K.S.A. 11-303; effective Dec. 11, 1989; amended, T-7-9-13-99, Sept. 13, 1999; amended Jan. 7, 2000.)

Article 36.—ABSENTEE AND ADVANCE VOTING

7-36-1. Absentee and advance voting ballot envelopes. (a) Each absentee and advance voting ballot envelope to be signed by a voter shall contain the following statement: "NOTICE TO VOTER: Your (absentee/advance voting) ballot will be separated from this signed (absentee/advance voting) ballot envelope in order to guarantee the confidentiality of your vote."

(b) Absentee and advance voting ballot envelopes shall be preserved in accordance with K.S.A. 25-2708. The envelopes shall be placed in separate envelopes or sacks, appropriately labeled and sealed. Access to the envelopes shall be subject to the provisions of K.S.A. 25-2708 and K.S.A. 25-3107. (Authorized by K.S.A. 25-1131, as amended by 1995 SB 232, section 34, and K.S.A. 25-1225; implementing K.S.A. 25-1120, as amended by 1995 SB 232, section 18, and K.S.A. 25-1219; effective Feb. 21, 1994; amended, T-7-7-3-95, July 3, 1995; amended Aug. 25, 1995.)

7-36-2. Advance voting voter; classification as permanent. A voter shall not be classified as a permanent advance voting voter by the county election officer unless the voter, or a person on the voter's behalf, has completed in its entirety an application for permanent advance voting voter status. The completed application shall specify the character of the voter's permanent disability or illness. (Authorized by K.S.A. 25-1131, as amended by 1995 SB 232, section 34; implementing K.S.A. 25-1122, as amended by 1995 SB 232, section 20; effective Feb. 21, 1994; amended, T-7-7-3-95, July 3, 1995; amended Aug. 25, 1995.)

7-36-3. Advance voting voter; assistance. For purposes of assisting an elector pursuant to K.S.A. 25-1124(b) and (c), as amended by 1995 SB 232, section 23, the phrase "marking and transmitting an advance voting ballot" shall include, but not be limited to, the following acts: (a) transmitting an unmarked advance voting ballot to an elector;

(b) assisting the elector in marking the advance voting ballot;

(c) transmitting the marked ballot to the county election officer; or

(d) any combination of the above acts. (Authorized by K.S.A. 25-1131, as amended by 1995 SB 232, section 34; implementing K.S.A. 25-1124, as amended by 1995 SB 232, section 23; effective Feb. 21, 1994; amended, T-7-7-3-95, July 3, 1995; amended Aug. 25, 1995.)

7-36-4. Advance voting voter lists. Advance voting voter lists shall be subject to the provisions of K.S.A. 21-3914 and K.S.A. 25-2320a and amendments thereto. (Authorized by K.S.A. 25-1131; implementing K.S.A. 21-3914 and 25-2320a; effective Feb. 21, 1994; amended, T-7-7-3-95, July 3, 1995; amended Aug. 25, 1995; amended March 23, 2001.)

7-36-5. Advance voting ballots; counting. Each county election officer shall adopt procedures to ensure that ballots received after the time the polls close on election day shall not be counted. (Authorized by K.S.A. 25-1131, as amended by 1995 SB 232, section 34; implementing K.S.A. 25-1132, as amended by 1995 SB 232, section 35; effective Feb. 21, 1994; amended, T-7-7-3-95, July 3, 1995; amended Aug. 25, 1995.)

7-36-6. Advance voting list with voting place. (a) Each county election officer shall adopt procedures to prevent a voter from casting both an advance voting ballot and a regular ballot at the voter's polling place.

(b) The procedures shall include, but not be limited to, updating the poll books by adding the names of voters who returned advance voting ballots after the poll books were prepared to the list of names of all advance voting voters from whom advance voting ballots were received by the time the poll books were prepared. (Authorized by K.S.A. 25-1131, as amended by 1995 SB 232, section 34; implementing K.S.A. 25-1126, as amended by 1995 SB 232, section 30; effective Feb. 21, 1994; amended, T-7-7-3-95, July 3, 1995; amended Aug. 25, 1995.)

Article 37.—MOTOR VOTER

7-37-1. Voter registration; department of revenue; division of vehicles. (a) The voter registration portion of the application for each motor vehicle driver's license and nondriver identification card shall be either part of the division

of vehicles application or a separate form given to each applicant simultaneously with the division of vehicles application.

(b) The voter registration portion of the application for each motor vehicle driver's license and nondriver identification card shall be approved by the secretary of state, and shall comply with the requirements of K.S.A. 25-2309, as amended.

(c) Each division of vehicles office shall deliver within five days of receipt each voter registration and change of address form received by the office to the county election officer in the county where the division of vehicles office is located. The county election officer shall forward each voter registration and change of address form from a nonresident of the county to the appropriate county election officer within five days of the county election officer's receipt. (Authorized by and implementing K.S.A. 25-2351; effective July 5, 1994.)

7-37-2. (Authorized by and implementing K.S.A. 25-2352; effective July 5, 1994; amended July 5, 2002; revoked July 7, 2008.)

Article 38.—NATIONAL VOTER REGISTRATION ACT

7-38-1. National voter registration act; systematic list maintenance; national change of address files. (a) In April of each year, the chief state election official shall complete a check of the United States postal service national change of address files using the list of registered voters maintained in the state's central voter registration voter database.

(b) If the county election officer chooses to participate in the national change of address program instead of conducting mass or targeted mailings, the chief state election official shall send the name of each registered voter for whom records from the national change of address files indicate a change of address to the county election officer of the county where the voter is registered, as indicated on the central voter registration database.

(c) A county election officer shall send a confirmation mailing as prescribed by K.S.A. 25-2316c and amendments thereto to any registered voter for whom records from the national change of address files indicate a change of address. The confirmation mailing shall be sent when the county election officer receives the information described in subsection (b). If the records indicate a change of address within the county where the

voter is registered, the county election officer shall change the voter's address to the new address before sending the confirmation mailing. (Authorized by and implementing K.S.A. 25-2354; effective Jan. 3, 1997; amended March 23, 2001.)

7-38-2. (Authorized by and implementing L. 1996, Ch. 187, Sec. 20; effective Jan. 3, 1997; revoked July 7, 2008.)

Article 39.—UNIFORM PARTNERSHIP ACT

7-39-1. Uniform partnership act; filing fees. (a) The filing fees for documents filed with the secretary of state pursuant to the uniform partnership act shall be as follows:

(1) Statement of partnership authority	\$ 20
(2) Statement of denial	\$ 20
(3) Statement of dissociation	\$ 20
(4) Statement of dissolution	\$ 20
(5) Statement of merger	\$ 20
(6) Statement of limited liability partnership qualification	\$150
(7) Statement of foreign limited liability partnership qualification	\$150
(8) Amendment to statement	\$ 20
(9) Cancellation of statement	\$ 20
(10) Any other statement for which a fee is not prescribed	\$ 20

(b) A certified copy shall be \$7.50 plus \$.50 per page.

(c) If a certified copy of a statement that is filed in another state is filed instead of an original statement, the filing fee charged shall be the fee prescribed for an original statement. (Authorized by and implementing K.S.A. 2000 Supp. 56a-105(g); effective Nov. 20, 1998; amended Oct. 19, 2001.)

Article 40.—REVISED KANSAS TRADEMARK ACT

7-40-1. Classification of goods and services under the revised Kansas trademark act. The schedule of classes of goods and services for registration of trademarks and service marks with the secretary of state, pursuant to the revised Kansas trademark act, shall be the "international schedule of classes of goods and services," as published in 37 C.F.R. 6.1 on July 1, 1997, which is hereby adopted by reference. (Authorized by and implementing L. 1999, ch. 85, § 11; effective Aug. 20, 1999.)

Article 41.—KANSAS UNIFORM ELECTRONIC TRANSACTIONS ACT

7-41-1. Definitions. (a) "Certificate" means a computer-based record or electronic message that at a minimum meets the following conditions:

- (1) Identifies the registered certification authority issuing the certificate;
- (2) names or identifies a subscriber;
- (3) contains the public key of the subscriber;
- (4) identifies the period of time during which the certificate is effective; and
- (5) is digitally signed by the registered certification authority.

(b) "Certification practice statement" means a statement published by a registered certification authority that specifies the policies or practices that the registered certification authority employs in issuing, publishing, suspending, and revoking certificates. This term is also known as "CPS."

(c) "Compliance review" means documentation in the form of an information systems audit report verifying that the applicant or registered certification authority has the use of a trustworthy system as defined in subsection (y). The applicant or registered certification authority shall file an audit report with the secretary upon initial registration as a registered certification authority and thereafter once every two years.

(d) "Cryptomodule" means the hardware or software that generates key pairs, stores cryptographic material, or performs cryptographic functions.

(e) "Electronic device" means computer hardware or software, or any other electronic or automated means, configured and enabled by the subscriber to act as the subscriber's agent and to initiate or respond to electronic records or actions, in whole or in part, without review or intervention by the subscriber.

(f) "Globally unique identifier" means a character string that contains a combination of numbers, letters, and special characters and that is appended to the common name of an individual or entity as found in individual or entity certificates, respectively. The length of the character string shall meet the requirements of the best industry practice. The globally unique identifier, also known as "GUID," shall contain only characters from the following character set:

- (1) The whole numbers "0" through "9";
- (2) "[";
- (3) "]";
- (4) "-"; and
- (5) the English alphabet, including uppercase and lowercase.

(g) "Hardware token" means a physical object, in-

cluding a smart card and a universal serial bus token, that is authenticated to and grants access to a computer system.

(h) "Identification and authentication" means the process of ascertaining and confirming through appropriate inquiry and investigation the identity of a subscriber. This term is also known as "I and A."

(i) "Information technology executive council" means the Kansas information technology executive council, pursuant to K.S.A. 75-7201 et seq. and amendments thereto, and is also known as "ITEC."

(j) "Information technology executive council policy" means the current certificate policy owned by ITEC, which identifies the applicability of a certificate to particular communities and classes of applications with common security requirements. This term is also known as "ITEC policy."

(k) "Local registration authority" means a person that has a relationship of trust with a community of potential subscribers and, for that reason, has a contractual relationship with a registration authority to perform duties including accepting applications and conducting identification and authentication for those subscribers. This term is also known as "LRA."

(l) "Operations zone" means an area administered by a registered CA, an RA, or an LRA to which access is limited to personnel who work in that area and to properly escorted visitors. Each operations zone shall be monitored at regular intervals throughout the day based on a threat risk assessment and shall be entered only from a reception zone.

(m) "Operative personnel" means individual persons who are agents or employees of a registration authority, a local registration authority, or a registered certification authority.

(n) "Policy management authority" means the Kansas information technology identity management group as authorized by the ITEC policy. The policy management authority is also known as "ITIMG" and "PMA."

(o) "Private key" means the key in a subscriber's key pair that is kept secret and is used to create digital signatures and to decrypt messages or files that were encrypted with the subscriber's corresponding public key.

(p) "Public key" means the key in a subscriber's key pair that can be used by another person to verify digital signatures created by a subscriber's corresponding private key or to encrypt messages or files that the person sends to the subscriber.

(q) "Public key infrastructure" means the architecture, organization, techniques, practices, and procedures that collectively support the implementation

and operation of a certificate-based, public key cryptography system. This term is also known as "PKI."

(r) "Reception zone" means the entry to a facility that is the site of both of the following:

(1) The initial contact between the public and either a registered certification authority or a registration authority occurs.

(2) Services are provided; information is exchanged; and access to restricted operations zones, security zones, and high-security zones is controlled.

(s) "Registered certification authority" has the meaning specified in K.S.A. 16-1602, and amendments thereto. This term is also known as "registered CA" and "CA."

(t) "Registration authority" means a person who has been authenticated by a registered CA, issued a registration authority certificate by the registered CA, and approved by the ITEC to process subscriber applications for certificates and to conduct I and A of subscribers in accordance with the law, the ITEC policy, and the related agreements. This term is also known as "RA."

(u) "Security zone" means an area administered by a registered CA, an RA, or an LRA to which access is limited to authorized personnel and to authorized and properly escorted visitors. Each security zone shall be accessible from an operations zone through a specific entry point. A security zone shall not be required to be separated from an operations zone by a secure perimeter. Each security zone shall be monitored 24 hours a day and seven days a week by security staff or other personnel or by electronic means.

(v) "Subscriber" means a person who meets the following criteria:

(1) Is the subject of a certificate;

(2) accepts the certificate from a registered certification authority; and

(3) holds the private key that corresponds to the public key listed in that certificate.

(w) "Trusted role" means a role whose incumbent performs functions that could facilitate security breaches if not carried out properly, whether accidentally or intentionally.

(x) "Trustworthy system" means a secure computer system that materially satisfies the most recent common criteria protection profile for commercial security, known as "CSPP — guidance for COTS security protection profiles," published by the U.S. department of commerce in December 1999 and hereby adopted by reference. The previous version of this document was known as "CS2 — protection profile guidance for near-term COTS."

(y) "X.500" means the standard published by the

international telecommunication union-T (ITU-T) in February 2001 that establishes a distributed, hierarchical directory protocol organized by country, region, and organization. This X.500 standard, including annex A, is hereby adopted by reference.

(z) "X.501" means the standard published by the international telecommunication union-T (ITU-T) in February 2001 that establishes models for the directory of other ITU-T recommendations in the X.500 series. This X.501 standard, including annexes A through H, is hereby adopted by reference.

(aa) "X.509" means the standard published by the international telecommunication union-T (ITU-T) in March 2000 that establishes a model for certificates. This X.509 standard, including annexes A and B, is hereby adopted by reference. (Authorized by and implementing K.S.A. 2004 Supp. 16-1605 and 16-1618; effective July 6, 2001; amended Aug. 19, 2005.)

7-41-2. Registration; renewal; expiration.

(a) Each original registration or renewal registration for a registered certification authority shall expire one year from the date of issuance.

(b) Each renewal application for registration shall be deemed timely if the registered certification authority files a renewal application with the secretary within 60 days before the date the original application or renewal application otherwise will expire. (Authorized by K.S.A. 2000 Supp. 16-1618; implementing K.S.A. 2000 Supp. 16-1617; effective July 6, 2001.)

7-41-3. Forms. (a) Applications, statements, and other information required for registration or renewal of registration for a registered certification authority shall be made on forms prescribed by the secretary.

(b) Applications and other information may be allowed by the secretary to be filed electronically.

(c) Each applicant for registered certification authority shall file the following with the application or renewal application:

(1) A compliance review with a report date within 90 days of the application or renewal application date;

(2) a copy of the registered certification authority's certification practice statement;

(3) a nonrefundable application or renewal application fee of \$1,000; and

(4) a good and sufficient surety bond, certificate of insurance or other evidence of financial security in the amount of \$100,000. (Authorized by K.S.A. 2000 Supp. 16-1618; implementing K.S.A. 2000 Supp. 16-1617; effective July 6, 2001.)

7-41-4. Evidence of financial security. The

evidence of financial security shall include, in addition to the requirements of L. 2000, Ch. 120, Sec. 2 and amendments thereto, the following: (a) The identity of the insurer or the financial institution issuing the surety bond, certificate of insurance, or irrevocable letter of credit, including the following information:

(1) The name;

(2) the mailing address;

(3) the physical address; and

(4) the identification, by number or copy of appropriate documentation, of the licensure or approval as a financial institution or as an insurer in this state;

(b) the identity of the registered certification authority on behalf of which the evidence of financial security is issued;

(c) a statement that the evidence of financial security is issued payable to the secretary for the benefit of persons holding qualified rights of payment against the registered certification authority named as principal of the surety bond, certificate of insurance, or irrevocable letter of credit;

(d) a statement that the evidence of financial security is issued for filing pursuant to the Kansas uniform electronic transactions act and amendments thereto; and

(e) a statement of term that extends at least as long as the term of the registration to be issued to the registered certification authority. (Authorized by and implementing K.S.A. 2000 Supp. 16-1618; effective July 6, 2001.)

7-41-5. Certification practice statement.

Each registered certification authority shall file with the secretary a certification practice statement. The statement shall declare the practices that the registered certification authority uses in issuing, suspending, and revoking certificates. It shall also include the following information: (a) If certificates are issued by class, the necessary criteria for each class of certificate, including the methods of subscriber identification applicable to each class;

(b) disclosure of any warnings, liability limitations, warranty disclaimers, and indemnity and hold harmless provisions, if any, upon which the registered certification authority intends to rely;

(c) disclosure of any and all disclaimers and limitations on obligations, losses, or damages, if any, to be asserted by the registered certification authority;

(d) a written description of all representations from the subscriber required by the registered certification authority relating to the subscriber's responsibility to protect the private key; and

(e) disclosure of any mandatory dispute resolution

process, if any, including any choice of forum and choice of law provisions. (Authorized by K.S.A. 2000 Supp. 16-1618; implementing K.S.A. 2000 Supp. 16-1617; effective July 6, 2001.)

7-41-6. Amendments and material changes. (a) Each applicant or renewal applicant shall notify the secretary of any change in its application or renewal application, as it appears in the secretary's files, within 30 days of the effective date of the change.

(b) Each applicant or renewal applicant shall notify the secretary of any change in the certification practice statement within 30 days of the amendment. (Authorized by and implementing K.S.A. 2000 Supp. 16-1618; effective July 6, 2001.)

7-41-7. Recordkeeping and retention of registered certification authority documents. (a) Each registered certification authority shall maintain documentation of compliance with the Kansas uniform electronic transactions act and article 41 of these regulations. The documentation shall include evidence demonstrating that the registered certification authority has met the following requirements:

(1) Secured as evidence of identity the identification documents or other evidence presented by the person named in a certificate that the registered certification authority has issued;

(2) secured as evidence of identity the identification documents or other evidence presented by the person requesting revocation of a certificate that the registered certification authority has revoked;

(3) secured evidence of the validity of all other facts listed in a certificate that the registered certification authority has issued; and

(4) complied with Kansas uniform electronic transactions act in issuing, publishing, suspending, and revoking certificates.

(b) Each registered certification authority may require a subscriber or agent of a subscriber to submit documentation and other evidence reasonably sufficient to enable the registered certification authority to comply with this regulation.

(c) Each registered certification authority shall retain its records of the issuance, acceptance, and any suspension or revocation of a certificate for a period of not fewer than 10 years after the certificate is revoked or expires. The registered certification authority shall retain custody of the records unless it ceases to act as a registered certification authority and the secretary orders it to deliver the records to another registered certification authority.

(d) Each registered certification authority shall se-

cure its records pursuant to standards that are commercially reasonable within the industry.

(e) The records shall be maintained in the form of paper-based documents, retrievable computer-based documents, or any form of reproduction approved by the secretary and state archivist for essential records. These records shall be indexed, stored, preserved, and reproduced so that they are accurate, complete, and accessible to an auditor.

(f) All records subject to article 41 of these regulations shall be in the English language. (Authorized by and implementing K.S.A. 2000 Supp. 16-1618; effective July 6, 2001.)

7-41-8. Grounds for lapse of a registered certification authority registration. (a) A registered certification authority registration shall be deemed lapsed upon failure to comply with any requirement of the Kansas uniform electronic transactions act and amendments thereto and article 41 of these regulations.

(b) A registered certification authority shall be informed by the secretary by written order, by mail directed to the mailing address or electronic mail address listed on the registered certification authority's application, of a decision lapsing the registration. The notification shall state when the lapse will be effective, which shall not be fewer than 30 days following the issuance of the order. (Authorized by K.S.A. 2000 Supp. 16-1618; implementing K.S.A. 2000 Supp. 16-1617; effective July 6, 2001.)

7-41-9. Civil penalties. Each registered certification authority who violates or fails to comply with the Kansas uniform electronic transactions act and amendments thereto and article 41 of these regulations, upon notice and hearing, shall be subject to a civil penalty not to exceed \$10,000 per violation. (Authorized by K.S.A. 2000 Supp. 16-1618; implementing K.S.A. 2000 Supp. 16-1617; effective July 6, 2001.)

7-41-10. Procedure upon discontinuance of certification authority business. Each certification authority that discontinues providing certification authority services without making other arrangements for the preservation of the certification authority's records shall notify the secretary and the subscribers, in writing, of its discontinuance of business, and perform either of the following: (a) Revoke all valid certificates and return all records concerning them to the appropriate subscriber; or

(b) submit the records to another registered certification authority or authorities as ordered by the

secretary. (Authorized by K.S.A. 2000 Supp. 16-1618; implementing K.S.A. 2000 Supp. 16-1617; effective July 6, 2001.)

7-41-11. Recovery against financial security. (a) In order to recover against a registered certification authority's surety bond, certificate of insurance, or other evidence of financial security, the claimant shall meet the following requirements:

(1) File a signed notice of the claim with the secretary stating the following information:

- (A) The name and address of the claimant;
- (B) the amount claimed;

(C) the grounds for the qualified right to payment; and

(D) the date of the occurrence forming the basis of the claim; and

(2) attach to the notice a certified copy of the judgment upon which the qualified right to payment is based, except as provided in subsection (b) of this regulation.

(b) If the notice specified in this regulation is filed before entry of judgment, the notice shall be held on file by the secretary, without further action, until the claimant files a copy of the judgment. If the secretary determines that the action identified in the notice finally has been resolved without a judgment awarding the claimant a qualified right to payment, the notice may be expunged by the secretary from the secretary's records. A notice shall not be expunged by the secretary until two years have elapsed since it first was filed.

(c) A notice for filing shall be rejected by the secretary if the date of the occurrence forming the basis for the complaint is more than two years before the filing of the notice.

(d) If the notice and judgment are filed pursuant to paragraphs (a)(1) and (2) of this regulation, a copy of the notice and judgment shall be provided by the secretary to the surety, insurer, or issuer of the financial security for qualified right of payment to the claimant. (Authorized by and implementing K.S.A. 2000 Supp. 16-1618; effective July 6, 2001.)

7-41-12. Reciprocity. (a) Any registered certification authority that is licensed, registered, or otherwise under the statutory oversight of a governmental agency, as defined by the Kansas uniform electronic transactions act and amendments thereto, may be registered as a registered certification authority in Kansas if all of the following conditions are met:

(1) The oversight of the governmental unit is equal to or greater than the oversight required

pursuant to the Kansas uniform electronic transactions act and amendments thereto and article 41 of these regulations.

(2) The registered certification authority submits to the secretary a written request for registration and a copy of the license or registration issued by the governmental unit.

(3) The registered certification authority pays the \$1,000 application fee.

(b) Each person registered pursuant to this regulation shall be exempt from the provisions of K.A.R. 7-41-3(c)(1).

(c) If the information filed pursuant to this regulation is satisfactory to the secretary, a registered certification authority may be issued a Kansas reciprocal registration by the secretary. (Authorized by K.S.A. 2000 Supp. 16-1618; implementing K.S.A. 2000 Supp. 16-1619; effective July 6, 2001.)

7-41-13. Use of subscriber information.

Each registered certification authority shall use subscriber information only for the purpose of performing the authentication process. (Authorized by and implementing K.S.A. 2000 Supp. 16-1618; effective July 6, 2001.)

7-41-14. State agency; compliance. Each state agency offering the use of a digital signature to persons doing business with that state agency shall comply with these regulations and the ITEC certificate policy for the Kansas public key infrastructure. (Authorized by and implementing K.S.A. 2004 Supp. 16-1605; effective Aug. 19, 2005.)

7-41-15. Registration authority and local registration authority; compliance. Each RA and LRA shall meet the following requirements:

(a) Comply with these regulations and the ITEC policy when administering any certificate or the associated keys; and

(b) ensure that I and A procedures are implemented as specified in K.A.R. 7-41-24 through K.A.R. 7-41-30. (Authorized by and implementing K.S.A. 2004 Supp. 16-1605; effective Aug. 19, 2005.)

7-41-16. Registration authority and local registration authority; general responsibilities. (a) Each RA and LRA shall perform the RA's or LRA's duties in a manner that meets the following requirements:

(1) Is consistent with the ITEC policy;

(2) promotes a cooperative relationship with registered CAs; and

(3) uses keys and certificates issued by a registered CA only for authorized purposes.

(b) The primary duties of each RA and LRA shall be the following:

(1) The establishment of a trustworthy environment and procedure for certificate applicants to submit applications;

(2) the I and A of each person applying for a certificate or requesting a certificate renewal or a new certificate following a rekeying process;

(3) the approval or rejection of certificate applications; and

(4) the revocation of certificates at the request of the subscriber or other authorized persons or upon the RA's or LRA's initiative. (Authorized by and implementing K.S.A. 2004 Supp. 16-1605; effective Aug. 19, 2005.)

7-41-17. Registration authority and local registration authority; notification, certification, protection, and restriction. Each RA and LRA shall perform the following:

(a) Immediately notify the secretary, the policy management authority, the registered CA, and, if an LRA, the RA of any breach or suspected breach of the law or the ITEC policy;

(b) certify that the RA or the LRA has authenticated the subscriber's identity when submitting subscriber information to a registered CA;

(c) ensure that private keys are protected according to the ITEC policy when performing duties on-line using a remote administration application with a registered CA; and

(d) use private keys only to access and operate RA and LRA applications on-line with a registered CA. (Authorized by and implementing K.S.A. 2004 Supp. 16-1605; effective Aug. 19, 2005.)

7-41-18. Registration authority and local registration authority; information confidentiality, access, classification, verification, correction, and revision. (a) All information stored locally on RA and LRA equipment shall be secure and confidential.

(b) Access to the information specified in subsection (a) shall be restricted to individuals who require access to perform their official duties related to the public key infrastructure.

(c) The security level of private keys used to sign certificates asserting security privileges shall be the same as the privileges asserted by the related certificates.

(d) An RA and an LRA independently shall verify security privilege information if this information is not independently verified by a registered CA.

(e) Upon receipt of an appropriate request from a subscriber, each RA and LRA shall make the subscriber's information available to that subscriber. The subscriber's information shall be subject to correction or revision by the subscriber. (Authorized by and implementing K.S.A. 2004 Supp. 16-1605; effective Aug. 19, 2005.)

7-41-19. Registration authority and local registration authority; security procedures. (a) The office of each RA and LRA shall be located in an area that can be entered only through a reception zone.

(b) The activity in each reception zone shall be monitored by personnel or security staff. Public access may be limited to specific times of the day or for specific reasons. In an open office environment, the reception zone shall be identified by a recognized perimeter, which may include a doorway or an arrangement of furniture and dividers.

(c) Each RA and LRA shall implement security procedures necessary to restrict access to the hardware and software used to provide RA and LRA services, including servers, workstations, and any external cryptographic hardware modules or tokens.

(d) Access to the hardware and software specified in subsection (c) shall be restricted to personnel performing in a trusted role.

(e) Access shall be controlled using electronic access controls, mechanical combination locksets, or deadbolts, which shall be monitored manually or electronically for unauthorized intrusion at all times.

(f) Each registration workstation used for on-line certificate management with registered CAs shall be located in either of the following:

(1) A security zone; or

(2) an attended operations zone with all media securely protected when unattended.

(g) If an RA or an LRA has possession of a cryptographic module, system software, or private keys, the RA or LRA shall provide the following security:

(1) A secure container or safe for the storage of the cryptomodule and the RA or LRA administrator's private key;

(2) security containers for recording personal

identification numbers and passwords accessible only by designated personnel;

(3) workstations containing private keys that are physically secure using an appropriate access control product;

(4) hardware cryptomodules that are physically protected, which may be accomplished using site protection; and

(5) procedures to ensure that the employees of RAs and LRAs do not leave their workstations unattended when the cryptomodule is in an unlocked state. (Authorized by and implementing K.S.A. 2004 Supp. 16-1605; effective Aug. 19, 2005.)

7-41-20. Registration authority and local registration authority; equipment security and physical access. (a) Each RA and LRA shall ensure that all equipment is protected from unauthorized access while the cryptomodule is installed and activated.

(b) Each RA and LRA shall implement security procedures to reduce the risk of equipment tampering when the cryptomodule is not installed and activated.

(c) All security procedures used shall be commensurate with the risk level associated with the environment in which the RA's and LRA's equipment is located. (Authorized by and implementing K.S.A. 2004 Supp. 16-1605; effective Aug. 19, 2005.)

7-41-21. Registration authority and local registration authority personnel; qualifications and requirements. (a) Each RA and LRA shall establish and follow personnel and management policies to ensure that the RA's or LRA's employees are trustworthy and competent in the performance of their duties in accordance with these regulations.

(b) Each RA and LRA shall have a cryptomodule with a minimum security level of two. A higher level may be used if available or as determined by the PMA. (Authorized by and implementing K.S.A. 2004 Supp. 16-1605; effective Aug. 19, 2005.)

7-41-22. Registration authority and local registration authority; private key archiving. Each RA and LRA shall protect that person's private keys in accordance with these regulations and the ITEC policy. (Authorized by and implementing K.S.A. 2004 Supp. 16-1605; effective Aug. 19, 2005.)

7-41-23. Registration authority's and local registration authority's private key use; restrictions. Each RA's and each LRA's private key shall be used only as agreed upon by the registered CA, the RA, and the LRA, as defined in K.A.R. 7-41-1. (Authorized by and implementing K.S.A. 2004 Supp. 16-1605; effective Aug. 19, 2005.)

7-41-24. Identification and authentication; initial registration. (a) Any RA or LRA may designate one or more persons as the RA's or LRA's administrator or administrators to conduct registration activities and may authorize these persons to represent the RA or LRA in the issuance and revocation of certificates for subscribers.

(b) Any RA or LRA may authorize its designated administrator or administrators to authenticate certificate applicants in accordance with these regulations.

(c) Each RA or LRA and the RA's or LRA's administrator or administrators shall require proof of identity as specified in these regulations.

(d) Applications for certificates may be delivered to an RA or LRA electronically, including by e-mail or web site, if the applicant has been positively identified and if all communication is secured by using a protocol providing encryption for transmitted information as defined by the registered CA's CPS. Applications for certificates also may be delivered to an RA or LRA in person or by first-class U.S. mail.

(e) A GUID shall be assigned to each subscriber account when the account is created. (Authorized by and implementing K.S.A. 2004 Supp. 16-1605; effective Aug. 19, 2005.)

7-41-25. Identification and authentication; types of names. (a) The subject name used for each certificate shall be the subscriber's name.

(b) Each subscriber shall have a unique X.501 name in the certificate's subject name field, in accordance with X.509.

(c) Any subscriber may use an alternative name by use of the subject alternate name field, in accordance with X.509.

(d) The subscriber's name shall be in the form of an X.501 printable string and shall not be blank. (Authorized by and implementing K.S.A. 2004 Supp. 16-1605; effective Aug. 19, 2005.)

7-41-26. Identification and authentication; required components of name. (a) Each

certificate subject name field and issuer name field shall include components of the authenticated name of the subscriber.

(b) The authenticated name for each individual shall be a combination of the first name and the surname. The authenticated name may include initials.

(c) The unique name for each subscriber that is not an individual shall include the authenticated name of the entity.

(d) The unique name may include the name of an organizational position or role.

(e) Each certificate that contains a role or position shall contain the identity of the person who holds that role or position. (Authorized by and implementing K.S.A. 2004 Supp. 16-1605; effective Aug. 19, 2005.)

7-41-27. Identification and authentication; name interpretation and subordination. Each RA and LRA shall follow the registered certification authority's policies on name interpretation and subordination. (Authorized by and implementing K.S.A. 2004 Supp. 16-1605; effective Aug. 19, 2005.)

7-41-28. Identification and authentication; recognition and authentication of trademarks. (a) No RA or LRA shall guarantee that a subscriber's name will contain a trademark, trade name, corporate name, or other specific referential material, but the RA or LRA may attempt to accommodate these requests.

(b) If a civil court of competent jurisdiction has determined that a subscriber has no right to use a specific name, an RA or LRA shall not knowingly allow the subscriber to use that name.

(c) No RA or LRA shall be required to inquire about or investigate the existence or validity of any court order or the trademark status.

(d) If a certificate has been issued after I and A in accordance with these regulations and ITEC policy, no RA or LRA shall be required to revoke the certificate and reissue a name to the rightful owner. (Authorized by and implementing K.S.A. 2004 Supp. 16-1605; effective Aug. 19, 2005.)

7-41-29. Identification and authentication; procedures. (a) Each RA and LRA shall comply with the procedures prescribed by the PMA for authenticating persons that are entities.

(b) Each certificate issued for a device or application shall include the authenticated name of

the applicant or the name of the person responsible for that device or application, or both names.

(c) Each RA and LRA shall ensure that the applicant's identity information is verified in accordance with these regulations.

(d) Each RA and LRA shall perform the following:

(1) Ensure that the applicant's identity information and public key are related as specified by these regulations and the ITEC policy; and

(2) document the processes to be followed for the issuance of each certificate.

(e) The documentation of certificates with security levels of two, three, and four shall include the following:

(1) The name of the person performing the identification;

(2) documentation that the RA or LRA verified the identity of the subscriber as required by the applicable procedure;

(3) the date of the verification; and

(4) if in-person identity verification is conducted, a declaration of identity executed in the presence of the person performing the identity authentication. The declaration shall be signed by the certificate applicant, using a handwritten signature. (Authorized by and implementing K.S.A. 2004 Supp. 16-1605; effective Aug. 19, 2005.)

7-41-30. Identification and authentication; certificate security levels. Each RA and LRA shall ensure that the applicable requirements for certificates specified in this regulation are met. (a) Certificates with a security level of four.

(1) Each applicant shall appear in person before an RA.

(2) Except as specified in this paragraph, each applicant shall present to the RA at least one Kansas government-issued official picture identification credential approved by the PMA or two non-Kansas but government-issued identification credentials, at least one of which shall be a picture identification. Other methods of equivalent or greater verification may be used, including a comparison of biometric data to preverified identities as approved by the PMA.

(3) Each applicant shall personally appear before the RA to receive the subscriber's hardware token or token activation data.

(4) The private key corresponding to the public key offered for the certificate shall exist in a hardware token. The possession of the hardware token

by the subscriber shall be verified in accordance with the requirements of the X.509 certificate management protocol or an equivalent protocol specified in the registered CA's CPS and approved by the PMA. The certificate shall contain an X.500 unique name and may contain an optional alternative subject name if the certificate indicates that the alternative subject name is not required.

(b) Certificates with a security level of three.

(1) Each applicant shall appear in person before an RA.

(2) Except as specified in this paragraph, each applicant shall present at least one Kansas government-issued official picture identification credential approved by the PMA or two non-Kansas but government-issued official identification credentials, at least one of which shall be a picture identification. Other methods of equivalent or greater verification may be used, including a comparison of biometric data to preverified identities as approved by the PMA.

(3) Each applicant's identity shall be verified personally by the RA, or the applicant shall provide credential information that required a prior in-person appearance before an entity that is approved by the RA.

(4) If private keys are delivered to subscribers using hardware tokens, the subscriber shall personally appear before the RA to receive the subscriber's hardware token or token activation data.

(5) The private key corresponding to the public key offered for the certificate may exist in software or in a hardware token. The possession of the hardware token by the subscriber shall be verified in accordance with the requirements of the X.509 certificate management protocol or an equivalent protocol specified in the registered CA's CPS and approved by the PMA. The certificate shall contain an X.500 unique name and an optional alternative subject name if the certificate indicates that the alternative subject name is not required.

(c) Certificates with a security level of two.

(1) Any applicant may apply in person or through a computer network, including the internet. If a computer network is used, the connection between the applicant and the RA or LRA shall be secured using a protocol that provides encryption for transmitted information as defined by the registered CA's CPS and approved by the PMA.

(2) Each applicant shall provide proof of identity as specified by paragraph (b)(2), and the RA or LRA shall verify the information to confirm the

applicant's identity. This verification may be accomplished by use of a database or by attestation of a person in the same organization who performs a trusted role and who has supervisory responsibility for the applicant.

(3) The private key corresponding to the public key offered for the certificate may exist in software or a hardware token. The possession of the hardware token by the subscriber shall be verified in accordance with the requirements of the X.509 certificate management protocol or an equivalent protocol specified in the registered CA's CPS and approved by the PMA. The certificate shall contain a subject name and may contain an optional alternative subject name if the certificate indicates that the alternative subject name is not required.

(d) Certificates with a security level of one.

(1) Any applicant may apply in person, through a computer network, including the internet, or by correspondence.

(2) No verification of the applicant's identity shall be required.

(3) The private key corresponding to the public key offered for the certificate may exist in any software or hardware form. The certificate shall contain a subject name and may contain an optional alternative subject name if the certificate indicates that the alternative subject name is not required.

(e) Electronic device certificate. Any person for whom an electronic device's signature is attributable for the purposes of accountability and responsibility may request a certificate identifying an electronic device as the subject of the certificate. Identification and authentication of the person shall be conducted as if the person were applying for the certificate personally. (Authorized by and implementing K.S.A. 2004 Supp. 16-1605; effective Aug. 19, 2005.)

7-41-31. Certificate renewal, updating, and routine rekeying. (a) Any subscriber may request any of the following within three months before the scheduled expiration of a certificate that was issued following I and A in accordance with these regulations and the ITEC policy:

(1) The issuance of a new certificate for a new key pair from the RA or LRA who issued the original certificate, if the original certificate has not been suspended or revoked;

(2) the renewal of a certificate. The renewal of a certificate shall require the creation of a new certificate with the same name and authorizations as those in the previous certificate, but the new

certificate shall reference a new key pair, an extended validity period, and a new serial number. The subscriber's account GUID shall remain unchanged and appear in the new certificate. A certificate may be renewed only if the public key has not become invalid, the private key has not been compromised, and the user name and attributes are correct; or

(3) the updating of a certificate, requiring the creation of a new certificate. Each updated certificate shall require a different key, a different serial number, and one or more other fields that are different from those on the previous certificate. The subscriber's account GUID shall remain unchanged and shall appear in the new certificate.

(b) Revoked or expired certificates shall not be renewed. Each applicant with a revoked or expired certificate shall be required to be reauthenticated by an RA or LRA after the applicant files a certificate application. If the application is made after revocation or expiration, the newly issued certificate shall contain the same GUID as that on the original certificate.

(c) Any request for revocation of a certificate that is submitted electronically may be authenticated on the basis of a digital signature using the certificate's associated key pair. The identity of the person submitting a revocation request in any other manner shall be authenticated according to these regulations. Each revocation request authenticated on the basis of the certificate's associated key pair shall be accepted as valid. Any other revocation request authentication mechanisms may be used as well, including written requests signed by the subscriber. The authentication procedures specified in this subsection shall balance the need to prevent unauthorized revocation requests against the need to revoke certificates quickly.

(d) Any RA or LRA may deliver to a registered CA authorizations for certificate issuance, rekeying, renewals, updates, rekeying after revocation, or revoking electronically by e-mail or website, if all communication is secured using a protocol that provides encryption for transmitted information as specified by the registered CA's CPS, by first-class U.S. mail, or in person. (Authorized by and implementing K.S.A. 2004 Supp. 16-1605; effective Aug. 19, 2005.)

7-41-32. Agreements; registration authority; local registration authority; subscriber. Each RA, LRA, and subscriber shall ex-

ecute the agreements contained in the ITEC policy appendices when contracting for services among themselves. (Authorized by and implementing K.S.A. 2004 Supp. 16-1605; effective Aug. 19, 2005.)

7-41-33. Picture identification credentials. Each picture identification required by these regulations shall meet the following requirements:

(a) The image resolution shall contain 16 bits per pixel.

(b) The ratio of the width of the image to the height of the image shall be 1 to 1.25.

(c) The camera used shall have a minimum of 500-line resolution.

(d) The camera output shall be a minimum of three-wire, RGB (red, green, blue) and shall be compatible with national television standards committee (NTSC) standards.

(e) The subject dimensions shall constitute a head-and-shoulder bust shot, with the lower edge at the point of the shoulders and the top edge within one inch of the hairline.

(f) The light source shall be calibrated, three-point lighting.

(g) The background shall be 18 percent gray or lighter. (Authorized by and implementing K.S.A. 2004 Supp. 16-1605; effective Aug. 19, 2005.)

Article 42.—CHARITABLE ORGANIZATIONS

7-42-1. Charitable organizations; registration. (a) Any charitable organization required to register with the secretary of state may use the unified registration statement (URS) prescribed by the multi-state filer project in lieu of the secretary of state's registration form. The URS shall include all information required by K.S.A. 17-1763, and amendments thereto.

(b) Each charitable organization that provides copies of its income tax returns to the secretary of state shall include only those sections of the returns that are open for public inspection and shall not include any list of contributor names. (Authorized by and implementing K.S.A. 17-1763; effective Sept. 30, 2005.)

7-42-2. Professional fund raisers; registration. (a) Each professional fund raiser that purposefully directs its fund raising efforts to citizens of this state shall register with the secretary

of state. The application for registration shall include the following information:

- (1) The legal name and any other names used by the professional fund raiser;
- (2) the address of the professional fund raiser's principal place of business;
- (3) the address, if any, of the professional fund raiser's office or location in the state of Kansas;
- (4) the type of organization: sole proprietorship, corporation, partnership, or other business entity;
- (5) the names and addresses of the officers, directors, partners, members, or other persons holding management positions; and
- (6) the names of any other states where the professional fund raiser is registered for charitable solicitations.

(b) The professional fund raiser shall attach an operating statement for each charitable organization for which the fund raiser solicits. The operating statement shall provide the name and address of the charitable organization and specify the actual or expected dates on which fund raising activity will be conducted for the charitable organization.

(c) If the professional fund raiser is employed or otherwise engaged by a charitable organization for fund raising after the professional fund raiser has filed its annual registration, the professional fund raiser shall file an operating statement for that charitable organization before beginning its fund raising activity for that charitable organization.

(d) The professional fund raiser shall sign the application under penalty of perjury. (Authorized by K.S.A. 17-1763; implementing K.S.A. 2004 Supp. 17-1764; effective Sept. 30, 2005.)

7-42-3. Professional fund raisers; annual report. (a) Each professional fund raiser shall file an annual report with the secretary of state on or before July 31 each year, reflecting the professional fund raiser's solicitation activities that occurred on and after July 1 of the previous year through the following June 30. The annual report of each professional fund raiser shall provide the following information:

- (1) The legal name and any other names used by the professional fund raiser;
- (2) the address of the professional fund raiser's principal place of business;
- (3) the name and address of each charitable organization for which the professional fund raiser solicited funds;

(4) a description of the fund raising methods used by the professional fund raiser;

(5) the name, address, and registration number of each professional solicitor employed by the professional fund raiser and the name of each charitable organization for which the professional solicitor solicited; and

(6) financial information on each charitable organization for which the professional fund raiser solicited, including the following:

(A) The gross receipts received for each charitable organization;

(B) the itemized expenses of the professional fund raiser;

(C) the net proceeds or revenue received by the fund raiser for each charitable organization;

(D) the net proceeds given to the charitable organization; and

(E) the fees or profits given to the professional fund raiser.

(b) An authorized agent of the professional fund raiser shall sign the annual report under penalty of perjury. (Authorized by K.S.A. 17-1763; implementing K.S.A. 2004 Supp. 17-1764; effective Sept. 30, 2005.)

7-42-4. Professional solicitors; registration. (a) Each application for registration as a professional solicitor shall provide the following information:

(1) The name and address of the professional solicitor;

(2) the name and address of the employing professional fund raiser; and

(3) a statement that the professional solicitor agrees to abide by the disclosure requirements of K.S.A. 17-1766, and amendments thereto.

(b) The professional solicitor and the professional fund raiser shall sign the application under penalty of perjury. (Authorized by K.S.A. 17-1763; implementing K.S.A. 17-1765; effective Sept. 30, 2005.)

7-42-5. Changes to registration. Each registered charitable organization, professional fund raiser, and professional solicitor shall notify the secretary of state in writing of any material change in the registration that occurs after filing the registration. Each notice of change shall be filed within 30 days after the change occurs. (Authorized by K.S.A. 17-1763; implementing K.S.A. 17-1763, K.S.A. 2004 Supp. 17-1764, and K.S.A. 17-1765; effective Sept. 30, 2005.)

**Article 43.—ELECTRONIC
NOTARIZATION**

7-43-1. Definitions. As used in this article, the following terms shall have the meanings specified in this regulation:

(a) “Digital signature” has the meaning specified in K.S.A. 16-1602, and amendments thereto.

(b) “Electronic” has the meaning specified in K.S.A. 16-1602, and amendments thereto.

(c) “Electronic notary public,” “electronic notary,” and “e-notary” mean a notary public who has registered with the secretary of state and who provides electronic notarial acts using a digital certificate authorized by the secretary of state.

(d) “Electronic document” means information that is created, generated, sent, communicated, received, or stored by electronic means.

(e) “Electronic notarial act” and “electronic notarization” mean any act involving electronic documents that an electronic notary public is authorized to perform under Kansas law.

(f) “Electronic notary seal” means the information within a notarized electronic document that includes the notary’s name, jurisdiction of appointment, and expiration date of the appointment.

(g) “Electronic signature” has the meaning specified in K.S.A. 16-1602, and amendments thereto.

(h) “Notarial act” and “notarization” mean any act that a notary public is authorized to perform under Kansas law.

(i) “Notarial certificate” means the portion of a notarized document that is completed by the notary, bears the notary’s signature and seal, and states the facts attested by the notary in a particular notarization.

(j) “Notary public” and “notary” mean any person appointed by the secretary of state to perform notarial acts.

(k) “Principal” means the person for whom an electronic notary is providing a notarial act. (Authorized by and implementing K.S.A. 2004 Supp. 16-1611; effective Dec. 30, 2005.)

7-43-2. Registration requirements. Each individual who wants to become an electronic notary shall meet the following requirements:

(a) Complete a course of instruction approved by the secretary of state;

(b) pass an examination approved by the secretary of state on the course of instruction specified in subsection (a);

(c) obtain a digital certificate authorized by the secretary of state;

(d) register with the secretary of state on a form prescribed by the secretary of state, which shall include providing proof of compliance with subsections (a), (b), and (c); and

(e) pay an information and services fee of \$20. (Authorized by and implementing K.S.A. 2004 Supp. 16-1611 and 75-438; effective Dec. 30, 2005.)

7-43-3. Notarization requirements. (a) Each electronic notary shall use a digital signature when performing any electronic notarization. Before performing any electronic notarization, each electronic notary shall take reasonable steps to ensure that the digital certificate used to create the digital signature is valid and has not expired, been revoked, or been terminated by its registered certification authority.

(b) When performing any electronic notarization, each electronic notary shall complete a notarial certificate, which shall be attached to, or logically associated with, the electronic document. (Authorized by and implementing K.S.A. 2004 Supp. 16-1611; effective Dec. 30, 2005.)

7-43-4. Personal appearance requirement. Notwithstanding any security measures used in performing any electronic notarization, an electronic notary public shall not perform any electronic notarial act if the principal does not appear in person before the electronic notary at the time of notarization. (Authorized by and implementing K.S.A. 2004 Supp. 16-1611; effective Dec. 30, 2005.)

7-43-5. Form of evidence of authenticity of electronic notarial act. If electronic evidence of the authenticity of the official signature and seal of an electronic notary of this state is required on any notarized electronic document transmitted to another state or nation, the electronic evidence shall be attached to, or logically associated with, the document and shall be in a form prescribed by the secretary of state in conformance with any current and pertinent international treaties, agreements, and conventions subscribed to by the United States. (Authorized by and implementing K.S.A. 2004 Supp. 16-1611; effective Dec. 30, 2005.)

7-43-6. Applicability of statutes. Except as otherwise provided in these regulations, the provisions of K.S.A. 53-101 et seq., and amendments thereto, governing notaries public and

K.S.A. 16-1601 et seq., and amendments thereto, governing electronic transactions shall apply to each electronic notary public. (Authorized by and implementing K.S.A. 2004 Supp. 16-1611; effective Dec. 30, 2005.)

Article 44.—ADDRESS CONFIDENTIALITY PROGRAM

7-44-1. Definitions. As used in this article, the following terms shall have the meanings specified in this regulation:

(a) “Chief law enforcement officer” means the official head of a federal, state, or local law enforcement agency.

(b) “Commercial package” means a box or other container shipped from a merchant to a program participant.

(c) “Enrolling assistant” means an individual who processes address confidentiality program applications on behalf of an enrolling agent.

(d) “Law enforcement agency” means the federal bureau of investigation, the office of the Kansas attorney general, the Kansas bureau of investigation, or any Kansas police department or sheriff’s department.

(e) “Local agency” means any department, board, commission, officer, court, or authority of a county, city, township, school district, or other tax-supported governmental subdivision of the state.

(f) “Official government mail” means mail sent from the federal government, a state or local agency or court, or any other tax-supported governmental subdivision.

(g) “State agency” means any state district court or any department, board, commission, or authority of the executive branch of state government. (Authorized by and implementing K.S.A. 2006 Supp. 75-456; effective, T-7-1-1-07, Jan. 1, 2007; effective May 4, 2007.)

7-44-2. Enrolling agent registration. (a) Each enrolling agent, as defined in K.S.A. 75-452(f) and amendments thereto, shall register with the secretary of state by providing the following information on a form prescribed by the secretary of state:

(1) The name of the state agency or local agency, law enforcement office, nonprofit agency, or other person that will serve as the enrolling agent;

(2) the names of the enrolling assistants who work or volunteer for the enrolling agent;

(3) the address and other contact information for the enrolling agent and, if different, for each enrolling assistant;

(4) a statement that program applications and copies of these applications will not be kept by the enrolling agent;

(5) a statement that any information collected, maintained, or shared in the address confidentiality program will remain confidential; and

(6) the signature of the enrolling agent under penalty of perjury asserting that all information on the registration form is true.

(b) If any information on the registration form changes, the enrolling agent shall provide the corrected information to the secretary of state within 30 days of the change.

(c) The registration of any enrolling agent may be revoked by the secretary of state for failure to meet the requirements of any statute or regulation pertaining to the address confidentiality program. (Authorized by K.S.A. 2006 Supp. 75-456; implementing K.S.A. 2006 Supp. 75-458; effective, T-7-1-1-07, Jan. 1, 2007; effective May 4, 2007.)

7-44-3. Enrolling assistant training. Each enrolling assistant identified on an enrolling agent’s registration shall complete the training provided by the secretary of state within 60 days of the filing date of the enrolling agent’s registration. Any enrolling assistant may be required to obtain additional training as prescribed by the secretary of state to administer the address confidentiality program. (Authorized by K.S.A. 2006 Supp. 75-456; implementing K.S.A. 2006 Supp. 75-458; effective, T-7-1-1-07, Jan. 1, 2007; effective May 4, 2007.)

7-44-4. Information released to law enforcement agencies. (a) Each law enforcement agency seeking the release of any record or information in a program participant’s file shall submit a written request on the agency’s letterhead. Each request shall include the following:

(1) The date of the request;

(2) the specific record or information requested;

(3) the name of the program participant; and

(4) the signature of the agency’s chief law enforcement officer.

(b) After verification by the secretary of state with the agency’s chief law enforcement officer that the request received is a bona fide request from the chief law enforcement officer, the record or information requested shall be released by the

secretary of state to the chief law enforcement officer or that person's designee. (Authorized by K.S.A. 2006 Supp. 75-456 and 75-457; implementing K.S.A. 2006 Supp. 75-457; effective, T-7-1-1-07, Jan. 1, 2007; effective May 4, 2007.)

7-44-5. Forwardable mail. The mail forwarded by the secretary of state to each program participant, as defined in K.S.A. 75-452(e) and amendments thereto, shall be forwarded to the program participant at a Kansas address and shall include first-class mail pursuant to K.S.A. 75-455(c), and amendments thereto, and all official government mail. Commercial packages shall not be forwarded by the secretary of state to any program participant, unless the secretary of state approves the forwarding of this mail for good cause. (Authorized by K.S.A. 2006 Supp. 75-455 and 75-456; implementing K.S.A. 2006 Supp. 75-455; effective, T-7-1-1-07, Jan. 1, 2007; effective May 4, 2007.)

7-44-6. Renewal and cancellation of certification. (a) Any program participant may renew the participant's program certification for an additional four years by filing an application with the secretary of state through an enrolling agent pursuant to K.S.A. 75-453, and amendments thereto, within 30 days before the date on which the participant's program certification will expire.

(b) Any program participant may cancel the participant's program certification by filing a letter of cancellation with the secretary of state through an enrolling agent. (Authorized by and implementing K.S.A. 2006 Supp. 75-453 and 75-456; effective, T-7-1-1-07, Jan. 1, 2007; effective May 4, 2007.)

7-44-7. Voting process. (a) When initially processing an application for participation in the address confidentiality program, each enrolling assistant shall offer a voter registration form to the applicant. If the applicant chooses to complete the voter registration form, the enrolling agent shall forward the form to the secretary of state with the address confidentiality program application.

(b) Each voter registration form shall be reviewed by the secretary of state. If the applicant is approved as a program participant and the applicant's voter registration is approved, the applicant shall be added as a permanent advance voter to a database that is separate from the centralized voter registration system. If the applicant is not approved as a program participant, the applicant

shall be contacted by the secretary of state in order to determine whether the applicant's voter registration should be processed and entered into the centralized voter registration database.

(c) Advance ballots for all elections in which any program participant may lawfully participate shall be sent from the secretary of state to the program participant. County election officials shall provide the correct ballot to the secretary of state for program participants.

(d) Each program participant shall return that participant's voted ballot to the secretary of state, who shall determine whether the ballot was lawfully cast and entitled to be canvassed. The ballot shall be forwarded by the secretary of state to the county election official with notice as to whether the ballot is legally entitled to be canvassed.

(e) Each program participant's confidential address and right to a secret ballot shall be preserved throughout the voting process.

(f) If the program participant's certification in the program expires and the participant does not renew the certification, the participant shall be notified by the secretary of state that the participant's voter registration record will be moved to the centralized voter registration database on the thirty-first day after the program certification expires. If a program participant cancels that participant's voter registration before the deadline specified in this subsection, the participant's voter registration shall not be transferred to the centralized voter registration database. (Authorized by and implementing K.S.A. 2006 Supp. 75-456; effective, T-7-1-1-07, Jan. 1, 2007; effective May 4, 2007.)

Article 45.—ELECTION BOARD WORKERS

7-45-1. Modified shifts for election board workers. If a county election officer chooses to allow the election board workers at a specified polling place to work at the polling place for less than the entire number of hours designated as polling hours, the county election officer shall assign the election board workers according to the following requirements:

(a) The hours each election board worker is assigned to work shall be continuous, with one starting time and one stopping time, and shall, to the extent practicable, constitute one-half the total number of hours the polls are open.

(b) The election board workers working to-

gether at any one time shall not all be affiliated with the same political party, to the extent practicable.

(c) No election board worker shall discuss the voting procedure, election results, or any voter's ballot. (Authorized by and implementing K.S.A. 2007 Supp. 25-2810; effective July 7, 2008.)

7-45-2. Oversight of authorized poll agents. (a) The supervising judge shall instruct each authorized poll agent appointed to the polling place of all requirements pertaining to authorized poll agents that are issued by the county election officer or given in Kansas law.

(b) If a poll agent does not comply with the requirements, any election board worker may ask the poll agent to correct or cease the improper or illegal activity or to leave the polling place. This activity shall be reported to the county election officer.

(c) The election board workers shall ensure that the poll agents do not engage in any activities that

would constitute election crimes, including the following:

(1) Electioneering, as defined in K.S.A. 25-2430 and amendments thereto;

(2) voter intimidation, as defined in K.S.A. 25-2415 and amendments thereto;

(3) disorderly election conduct, as defined in K.S.A. 25-2413 and amendments thereto;

(4) unauthorized voting disclosure, as defined in K.S.A. 25-2422 and amendments thereto; and

(5) voting machine fraud, as defined in K.S.A. 25-2425 and amendments thereto.

(d) The election board workers shall prevent the poll agents from performing the following:

(1) Touching or handling any voter's ballot during the voting process;

(2) distributing ballots or counting ballots;

(3) hindering or obstructing any voter from voting or from entering and leaving the polling place; and

(4) hindering or obstructing any election board worker from performing election duties. (Authorized by and implementing K.S.A. 25-3005; effective July 7, 2008.)